

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
MONDAY, JUNE 28, 2021

SIXTY-FIFTH DAY

Hall of the House of Representatives, Columbus, Ohio

Monday, June 28, 2021, 1:00 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Brian Solomon of the Capitol Ministries in Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the previous legislative day was read and approved.

Representative Ginter moved that the House advance to the sixth order of business, being motions and resolutions.

The motion was agreed to.

MOTIONS AND RESOLUTIONS

Representative Ginter moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 90-Speaker Cupp

Relative to the election of Kevin D. Miller to fill the vacancy in the membership of the House of Representatives created by the expulsion of Larry Householder of the 72nd House District.

WHEREAS, Section 11 of Article II of the Ohio Constitution provides for the filling of a vacancy in the membership of the House of Representatives by election by the members of the House of Representatives who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Larry Householder of the 72nd House District, was expelled from the House of Representatives of the 134th General Assembly, pursuant to House Resolution No. 69 – and Article II, Section 6, of the Ohio Constitution – on June 16, 2021, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Republican party that Kevin D. Miller, Republican, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 72nd House District, is hereby elected, effective June 28, 2021, pursuant to Section 11 of Article II of the Ohio Constitution, as a member of the House of Representatives from the 72nd House District, to fill the vacancy created by

the unexpired portion of the term of said Larry Householder, ending on December 31, 2022; and be it further

RESOLVED, That a copy of this resolution be spread upon the pages of the Journal of the House of Representatives together with the yeas and nays of the members of the House of Representatives affiliated with the Republican party voting on the resolution, and that the Clerk of the House of Representatives shall certify the resolution and vote on its adoption to the Secretary of State.

The question being, "Shall the resolution be adopted?"

The yeas and nays were taken and resulted – yeas 60, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Brinkman
Callender	Carfagna	Carruthers	Click
Creech	Cross	Cutrona	Dean
Edwards	Ferguson	Fowler Arthur	Fraizer
Ghanbari	Ginter	Grendell	Gross
Hall	Hillyer	Holmes	Hoops
John	Johnson	Jones	Jordan
Kick	Koehler	Lampton	Lanese
LaRe	Lipps	Loychik	Manchester
Manning	McClain	Merrin	Oelslager
Patton	Pavliga	Plummer	Ray
Richardson	Riedel	Roemer	Schmidt
Seitz	Stein	Stephens	Stewart
Stoltzfus	Swearingen	White	Wiggam
Wilkin	Young, B.	Young, T.	Cupp-60

The resolution was adopted.

State of Ohio

County of Franklin

I, Kevin D. Miller, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/s/ KEVIN D. MILLER
Kevin D. Miller

Sworn to and subscribed before me this 28th day of June, 2021.

/s/ ROBERT R. CUPP
Robert R. Cupp
Speaker

House District 4

Mr. Miller was escorted to the bar of the House by Representatives Swearingen, Cross, Abrams, Ghanbari, Stewart, Fraizer, Miranda, Miller, A., Brown, and West, took the oath of office administered by Speaker Cupp, and entered upon the discharge of his duties.

On motion of Representative Ginter, the House recessed.

The House met pursuant to recess.

Representative Ginter moved that the House revert to the second order of business, being introduction of bills.

The motion was agreed to.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 361 - Representatives Hall, Miranda.

Cosponsors: Representatives Creech, Click, Weinstein, Miller, A., Johnson, Crossman, O'Brien, Ghanbari.

To amend sections 121.95 and 5589.99 and to enact section 5589.25 of the Revised Code to establish new requirements and increased penalties that apply to a railroad company that unlawfully blocks a railroad crossing.

H. B. No. 362 - Representative Ingram.

Cosponsors: Representatives Brent, Galonski, Crawley, Crossman, Howse, West.

To amend sections 109.71 and 109.79 and to enact section 109.7410 of the Revised Code to require training on emotional intelligence for peace officers.

H. B. No. 363 - Representatives Miller, A., Smith, M.

To amend section 5119.10 of the Revised Code relating to plans for comprehensive counseling and supportive mental health services in response to disasters, emergencies, and other adverse events.

Said bills were considered the first time.

REPORTS OF CONFERENCE COMMITTEES

Representative Ginter moved that House Rule 66A, pertaining to conference committee reports carrying an appropriation, be suspended and that the report of the committee of conference on **Sub. H. B. No. 110**- Representative Oelslager, et al. be taken up for immediate consideration.

The motion was agreed to without objection.

Representative Oelslager submitted the following report:

The committee of conference to which the matters of difference between the two houses were referred on Sub. H.B. 110, Representative Oelslager - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 121 of the title, after "5502.30," insert "5540.02,"

In line 323, after "5502.30," insert "5540.02,"

After line 71126, insert:

"Sec. 5540.02. (A) A transportation improvement district may be created by the board of county commissioners of a county. The board, by resolution, shall determine the structure of the board of trustees of the transportation improvement district it creates by adopting the structure contained either in division (C)(1) or (2) of this section.

(B) A transportation improvement district is a body both corporate and politic, and the exercise by it of the powers conferred by this chapter in the financing, construction, maintenance, repair, and operation of a project are and shall be held to be essential governmental functions.

(C)(1) If the board of county commissioners so elects, a transportation improvement district shall be governed by a board of trustees consisting of the following members:

- (a) Two members appointed by the board of county commissioners;
- (b) Three members appointed by the legislative authority of the most populous municipal corporation in the district;
- (c) Two members appointed by the legislative authority of the second most populous municipal corporation in the district;
- (d) Two members appointed by the board of township trustees of the township in the county that is most populous in its unincorporated area;
- (e) The county engineer;
- (f) One member appointed by the legislative authority of any township or municipal corporation that cannot otherwise appoint a member to the board pursuant to this section, and that is wholly or partially within the area of the transportation improvement district as the district was originally designated by the board of county commissioners;
- (g) If the area of a transportation improvement district is expanded by the board of county commissioners, the legislative authority of any township or municipal corporation that is wholly or partially within the area of expansion and that cannot otherwise appoint a member to the board pursuant

to this section, with the consent of the board of trustees of the district, may appoint one member to the board;

(h) One member appointed by the regional planning commission for the county, who shall be a nonvoting member of the board;

(i) One member appointed at the discretion of the speaker of the house of representatives, who, if appointed, shall be a nonvoting member of the board and who may be a member of the house of representatives;

(j) One member appointed at the discretion of the president of the senate, who, if appointed, shall be a nonvoting member of the board and who may be a member of the senate.

One of each of the appointments made by the board of county commissioners, the legislative authority of a municipal corporation, and the board of township trustees under divisions (C)(1)(a), (b), (c), and (d) of this section, shall be members of the chamber of commerce for the respective political subdivision.

Whenever the addition of members to the board of trustees of a transportation improvement district pursuant to division (C)(1)(f) or (g) of this section results in an even number of total voting members on the board, the board of trustees of the district may appoint an additional person to its membership to maintain an odd number of voting members.

(2) As an alternative to the structure prescribed in division (C)(1) of this section, a board of county commissioners, by resolution, may elect that the transportation improvement district it creates be governed by a board of trustees consisting of ~~five~~ the following members:

(a) Five members appointed by the board of county commissioners;

(b) One member appointed at the discretion of the speaker of the house of representatives, who, if appointed, shall be a nonvoting member of the board and who may be a member of the house of representatives;

(c) One member appointed at the discretion of the president of the senate, who, if appointed, shall be a nonvoting member of the board and who may be a member of the senate.

(D) Each appointed member of the board shall hold office for a term of two years but subject to removal at the pleasure of the authority that appointed the member. Members may be reappointed. Except as otherwise provided in this division, any vacancy on the board shall be filled in the same manner as the original appointment. Any vacancy on a board appointed under division (C)(1) of this section lasting longer than thirty days due to the failure of the legislative authority of a municipal corporation or a board of township trustees to make an appointment shall be filled by the board of trustees of the transportation improvement district.

(E) The voting members of the board shall elect from the entire board

membership a chairperson, vice-chairperson, and secretary-treasurer. A majority of the voting members of the board constitutes a quorum, the affirmative vote of which is necessary for any action of the district. No vacancy in the membership of the board impairs the right of a quorum to exercise all the rights and perform all duties of the district.

(F) The board of county commissioners of the county, the legislative authority of any municipal corporation, and the board of township trustees of any township that is part of the district, may make appropriations from moneys available to them and not otherwise appropriated, to pay costs incurred by the district in the exercise of its functions under this chapter.

(G) An organizational meeting of the board of trustees of a transportation improvement district created under this section shall be held at the time and place designated by the board member who has served the most years as a member of the board of county commissioners that created the transportation improvement district."

In line 80635, after "5502.30," insert "5540.02,"

After line 100498, insert:

"Section 5540.02 of the Revised Code as amended by H.B. 627 of the 121st General Assembly and H.B. 74 of the 134th General Assembly."

In line 274, delete "3913.975," and insert "3313.975,"

Move lines 648 through 664 to after line 479

In line 6479, after "the" insert "department of"

In line 6480, strike through "services agency"

In line 6482, strike through "services"

In line 6525, strike through "services"

In line 6534, delete "services"

In line 6535, strike through "services"

In line 6536, strike through "of development"

In line 6537, strike through "services"; after "the" insert "department of"

In line 6538, strike through "services agency"

In line 6539, strike through "services"

In line 30438, after "later" insert "than"

In line 32424, delete "(F)"

In line 32425, before "The" insert "(F)"

In line 39522, delete "3317.03" and insert "3317.013"

In line 70466, delete "(D)" and insert "(B)"

In line 80593, after "3317.051," insert "3317.06,"

Delete line 80656

In line 86380a, delete "&" and insert "and"

In line 86994, delete "(I)" and insert "(H)"

In line 90822, delete "600523" and insert "600521"

In line 100473, delete "Am."

In line 100474, delete the first "Sub."; delete "Am. Sub."

In line 70343, after "(C)(2)(b)" insert "or (c)"

After line 84120, insert:

"Section 130.30. Section 5540.02 of the Revised Code was amended by both H.B. 627 of the 121st General Assembly and H.B. 74 of the 134th General Assembly. Due to technical error, the version of the section included in H.B. 74 of the 134th General Assembly did not reflect the amendments made by H.B. 627 of the 121st General Assembly. The section is presented below without amendment to confirm the harmonization and continued application of amendments made by those acts.

Sec. 5540.02. (A) A transportation improvement district may be created by the board of county commissioners of a county. The board, by resolution, shall determine the structure of the board of trustees of the transportation improvement district it creates by adopting the structure contained either in division (C)(1) or (2) of this section.

(B) A transportation improvement district is a body both corporate and politic, and the exercise by it of the powers conferred by this chapter in the financing, construction, maintenance, repair, and operation of a project are and shall be held to be essential governmental functions.

(C)(1) If the board of county commissioners so elects, a transportation improvement district shall be governed by a board of trustees consisting of the following members:

(a) Two members appointed by the board of county commissioners;

(b) Three members appointed by the legislative authority of the most populous municipal corporation in the district;

(c) Two members appointed by the legislative authority of the second most populous municipal corporation in the district;

(d) Two members appointed by the board of township trustees of the township in the county that is most populous in its unincorporated area;

(e) The county engineer;

(f) One member appointed by the legislative authority of any township or municipal corporation that cannot otherwise appoint a member

to the board pursuant to this section, and that is wholly or partially within the area of the transportation improvement district as the district was originally designated by the board of county commissioners;

(g) If the area of a transportation improvement district is expanded by the board of county commissioners, the legislative authority of any township or municipal corporation that is wholly or partially within the area of expansion and that cannot otherwise appoint a member to the board pursuant to this section, with the consent of the board of trustees of the district, may appoint one member to the board;

(h) One member appointed by the regional planning commission for the county, who shall be a nonvoting member of the board.

One of each of the appointments made by the board of county commissioners, the legislative authority of a municipal corporation, and the board of township trustees under divisions (C)(1)(a), (b), (c), and (d) of this section, shall be members of the chamber of commerce for the respective political subdivision.

Whenever the addition of members to the board of trustees of a transportation improvement district pursuant to division (C)(1)(f) or (g) of this section results in an even number of total voting members on the board, the board of trustees of the district may appoint an additional person to its membership to maintain an odd number of voting members.

(2) As an alternative to the structure prescribed in division (C)(1) of this section, a board of county commissioners, by resolution, may elect that the transportation improvement district it creates be governed by a board of trustees consisting of five members appointed by the board of county commissioners.

(D) Each appointed member of the board shall hold office for a term of two years but subject to removal at the pleasure of the authority that appointed the member. Members may be reappointed. Except as otherwise provided in this division, any vacancy on the board shall be filled in the same manner as the original appointment. Any vacancy on a board appointed under division (C)(1) of this section lasting longer than thirty days due to the failure of the legislative authority of a municipal corporation or a board of township trustees to make an appointment shall be filled by the board of trustees of the transportation improvement district.

(E) The voting members of the board shall elect from the entire board membership a chairperson, vice-chairperson, and secretary-treasurer. A majority of the voting members of the board constitutes a quorum, the affirmative vote of which is necessary for any action of the district. No vacancy in the membership of the board impairs the right of a quorum to exercise all the rights and perform all duties of the district.

(F) The board of county commissioners of the county, the legislative authority of any municipal corporation, and the board of township trustees of any township that is part of the district, may make appropriations from moneys available to them and not otherwise appropriated, to pay costs incurred by the district in the exercise of its functions under this chapter.

(G) An organizational meeting of the board of trustees of a transportation improvement district created under this section shall be held at the time and place designated by the board member who has served the most years as a member of the board of county commissioners that created the transportation improvement district."

In line 92824, delete everything after "under"

In line 92825, delete "Code" and insert "this section"

Move lines 97442 through 97445 to after line 84503

Delete lines 100355 through 100365

After line 100411, insert:

"Section 803.210. The amendment by this act of sections 5709.40 and 5709.41 of the Revised Code applies to any proceedings commenced or ordinances adopted after the amendment's effective date, and, so far as the amendment supports the actions taken, also applies to proceedings that, on that effective date, are pending, in process, or completed, or ordinances that have been previously adopted, notwithstanding the applicable law previously in effect or any other provision to the contrary in a prior resolution, ordinance, order, advertisement, notice, or other proceeding. Any proceedings completed, pending, or in progress on that effective date shall be deemed to have been taken in conformity with that amendment."

Delete lines 11525 through 12415

After line 12415, insert:

"Sec. 149.43. (A) As used in this section:

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(f) Records specified in division (A) of section 3107.52 of the Revised Code;

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;

(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;

(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;

(m) Intellectual property records;

(n) Donor profile records;

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;

(p) Designated public service worker residential and familial information;

(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;

(r) Information pertaining to the recreational activities of a person under the age of eighteen;

(s) In the case of a child fatality review board acting under sections

307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;

(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or federal law;

(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;

(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;

(y) Records listed in section 5101.29 of the Revised Code;

(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;

(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;

(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;

(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;

(dd) Personal information, as defined in section 149.45 of the Revised Code;

(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code.

(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order;

(gg) The name, address, contact information, or other personal information of an individual who is less than eighteen years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident;

(hh) Protected health information, as defined in 45 C.F.R. 160.103, that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals the identity of an individual who is the subject of the data or could be used to reveal that individual's identity;

(ii) Any depiction by photograph, film, videotape, or printed or digital image under either of the following circumstances:

(i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity.

(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.

(jj) Restricted portions of a body-worn camera or dashboard camera recording;

(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board

members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.

(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 3738.08 of the Revised Code;

(mm) ~~Telephone~~ Except as otherwise provided in division (A)(1)(oo) of this section, telephone numbers for a victim, as defined in section 2930.01 of the Revised Code; ~~or a witness to a crime, or a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report, other than when requested by an insurer or insurance agent investigating an insurance claim resulting from a motor vehicle accident.~~

(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under division (C) of section 4717.13, division (J) of section 4717.31, or section 4717.41 of the Revised Code.

(oo) Telephone numbers for a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report, except that the telephone numbers described in this division are not excluded from the definition of "public record" under this division on and after the thirtieth day after the occurrence of the motor vehicle accident.

A record that is not a public record under division (A)(1) of this section and that, under law, is permanently retained becomes a public record on the day that is seventy-five years after the day on which the record was created, except for any record protected by the attorney-client privilege, a trial preparation record as defined in this section, a statement prohibiting the release of identifying information signed under section 3107.083 of the Revised Code, a denial of release form filed pursuant to section 3107.46 of the Revised Code, or any record that is exempt from release or disclosure under section 149.433 of the Revised Code. If the record is a birth certificate and a biological parent's name redaction request form has been accepted under section 3107.391 of the Revised Code, the name of that parent shall be redacted from the birth certificate before it is released under this paragraph. If any other section of the Revised Code establishes a time period for disclosure

of a record that conflicts with the time period specified in this section, the time period in the other section prevails.

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;

(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Designated public service worker" means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer,

community-based correctional facility employee, designated Ohio national guard member, protective services worker, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, emergency service telecommunicator, forensic mental health provider, mental health evaluation provider, regional psychiatric hospital employee, judge, magistrate, or federal law enforcement officer.

(8) "Designated public service worker residential and familial information" means any information that discloses any of the following about a designated public service worker:

(a) The address of the actual personal residence of a designated public service worker, except for the following information:

(i) The address of the actual personal residence of a prosecuting attorney or judge; and

(ii) The state or political subdivision in which a designated public service worker resides.

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

(9) As used in divisions (A)(7) and (15) to (17) of this section:

"Peace officer" has the meaning defined in section 109.71 of the

Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

"Correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

"County or multicounty corrections officer" means any corrections officer employed by any county or multicounty correctional facility.

"Designated Ohio national guard member" means a member of the Ohio national guard who is participating in duties related to remotely piloted aircraft, including, but not limited to, pilots, sensor operators, and mission intelligence personnel, duties related to special forces operations, or duties related to cybersecurity, and is designated by the adjutant general as a designated public service worker for those purposes.

"Protective services worker" means any employee of a county agency who is responsible for child protective services, child support services, or adult protective services.

"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

"Emergency service telecommunicator" has the meaning defined in section 4742.01 of the Revised Code.

"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Mental health evaluation provider" means an individual who, under Chapter 5122. of the Revised Code, examines a respondent who is alleged to be a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code, and reports to the probate court the respondent's mental condition.

"Regional psychiatric hospital employee" means any employee of the department of mental health and addiction services who, in the course of performing the employee's duties, has contact with patients committed to the department of mental health and addiction services by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.

(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.

(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.

(15) "Body-worn camera" means a visual and audio recording device

worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.

(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(f) Grievous bodily harm to a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(g) An act of severe violence resulting in serious physical harm against a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(h) A person's nude body, unless, subject to division (H)(1) of this section, the person's consent has been obtained;

(i) Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a law enforcement encounter;

(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;

(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person;

(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;

(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;

(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;

(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;

(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;

(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.

As used in division (A)(17) of this section:

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.

"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.

"Protected health information" has the same meaning as in 45 C.F.R. 160.103.

"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.

"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.

"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.

"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.

~~(18) "Insurer" and "insurance agent" have the same meanings as in section 3905.01 of the Revised Code.~~

(B)(1) Upon request by any person and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to the requester at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The

explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require the requester to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the requester under this division. The public office or the person responsible for the public record shall permit the requester to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the requester makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the requester. Nothing in this section requires a public office or person responsible for the public record to allow the requester of a copy of the public record to make the copies of the public record.

(7)(a) Upon a request made in accordance with division (B) of this section and subject to division (B)(6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may

require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission.

(b) Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to division (B)(7) of this section. A public office that adopts a policy and procedures under division (B)(7) of this section shall comply with them in performing its duties under that division.

(c) In any policy and procedures adopted under division (B)(7) of this section:

(i) A public office may limit the number of records requested by a person that the office will physically deliver by United States mail or by another delivery service to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes;

(ii) A public office that chooses to provide some or all of its public records on a web site that is fully accessible to and searchable by members of the public at all times, other than during acts of God outside the public office's control or maintenance, and that charges no fee to search, access, download, or otherwise receive records provided on the web site, may limit to ten per month the number of records requested by a person that the office will deliver in a digital format, unless the requested records are not provided on the web site and unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.

(iii) For purposes of division (B)(7) of this section, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and

the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(9)(a) Upon written request made and signed by a journalist, a public office, or person responsible for public records, having custody of the records of the agency employing a specified designated public service worker shall disclose to the journalist the address of the actual personal residence of the designated public service worker and, if the designated public service worker's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the designated public service worker's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B)(9)(a) of this section also applies to journalist requests for:

(i) Customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information;

(ii) Information about minors involved in a school vehicle accident as provided in division (A)(1)(gg) of this section, other than personal information as defined in section 149.45 of the Revised Code.

(c) As used in division (B)(9) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(10) Upon a request made by a victim, victim's attorney, or victim's representative, as that term is used in section 2930.02 of the Revised Code, a public office or person responsible for public records shall transmit a copy of a depiction of the victim as described in division (A)(1)(ii) of this section to the victim, victim's attorney, or victim's representative.

(C)(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may do only one of the following, and not both:

(a) File a complaint with the clerk of the court of claims or the clerk of the court of common pleas under section 2743.75 of the Revised Code;

(b) Commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C) (2) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

(2) If a requester transmits a written request by hand delivery, electronic submission, or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requester shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section.

The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public office or person responsible for the requested public records failed to comply with an obligation in accordance with division (B) of this section, beginning with the day on which the requester files a mandamus action to recover statutory damages, up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

The court may reduce an award of statutory damages or not award statutory damages if the court determines both of the following:

(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public

office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(3) In a mandamus action filed under division (C)(1) of this section, the following apply:

(a)(i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(ii) If the court makes a determination described in division (C)(3)(b)(iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C)(4) of this section:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order described in this division.

(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(4) All of the following apply to any award of reasonable attorney's fees awarded under division (C)(3)(b) of this section:

(a) The fees shall be construed as remedial and not punitive.

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C)(4)(c) of this section.

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees.

(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C)(1) of this section.

(5) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court.

(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.

(E)(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B)

of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. A future official may satisfy the requirements of this division by attending the training before taking office, provided that the future official may not send a designee in the future official's place.

(2) All public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours.

The public office shall distribute the public records policy adopted by the public office under this division to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F)(1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.

(H)(1) Any portion of a body-worn camera or dashboard camera recording described in divisions (A)(17)(b) to (h) of this section may be released by consent of the subject of the recording or a representative of that person, as specified in those divisions, only if either of the following applies:

(a) The recording will not be used in connection with any probable or pending criminal proceedings;

(b) The recording has been used in connection with a criminal proceeding that was dismissed or for which a judgment has been entered pursuant to Rule 32 of the Rules of Criminal Procedure, and will not be used again in connection with any probable or pending criminal proceedings.

(2) If a public office denies a request to release a restricted portion of a body-worn camera or dashboard camera recording, as defined in division (A)(17) of this section, any person may file a mandamus action pursuant to this section or a complaint with the clerk of the court of claims pursuant to section 2743.75 of the Revised Code, requesting the court to order the release of all or portions of the recording. If the court considering the request determines that the filing articulates by clear and convincing evidence that the public interest in the recording substantially outweighs privacy interests and other interests asserted to deny release, the court shall order the public office to release the recording."

Delete lines 17858 through 18065

After line 18065, insert:

"Sec. 1322.09. (A)(1) An application for a certificate of registration shall be in writing, under oath, and in a form prescribed by the superintendent of financial institutions that complies with the requirements of the nationwide mortgage licensing system and registry. The application shall be accompanied by a nonrefundable application fee of ~~five~~ seven hundred dollars for each location of an office to be maintained by the applicant in accordance with division (A) of section 1322.07 of the Revised Code and any additional fee required by the nationwide mortgage licensing system and registry.

(2) The application shall include the names and addresses of the owners, officers, or partners having control of the applicant, including all of the following:

(a) In the case of a sole proprietor, the name and address of the sole proprietor;

(b) In the case of a partnership, the name and address of each partner;

(c) In the case of a corporation, the name and address of each shareholder owning five per cent or more of the corporation;

(d) In the case of any other entity, the name and address of any person that owns five per cent or more of any entity that will transact business under the certificate of registration.

(3) In addition to any information required by this section, an applicant shall furnish to the superintendent any reasonable information the superintendent may require.

(B) Upon the filing of the application and payment of the nonrefundable application fee and any fee required by the nationwide mortgage licensing system and registry, the superintendent shall investigate the applicant and any individual whose identity is required to be disclosed in the application. As part of that investigation, the superintendent shall conduct a civil records check.

If, in order to issue a certificate of registration to an applicant, additional investigation by the superintendent outside this state is necessary, the superintendent may require the applicant to advance sufficient funds to pay the actual expenses of the investigation, if it appears that these expenses will exceed five hundred dollars. The superintendent shall provide the applicant with an itemized statement of the actual expenses that the applicant is required to pay.

(C) In connection with applying for a certificate of registration, the applicant shall furnish to the nationwide mortgage licensing system and registry information concerning the applicant's identity, including all of the following for the applicant and any individual with control of the applicant:

(1) The applicant's fingerprints for submission to the federal bureau of investigation, and any other governmental agency or entity authorized to receive such information, for purposes of a state, national, and international criminal history background check;

(2) Personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, along with authorization for the superintendent and the nationwide mortgage licensing system and registry to obtain both of the following:

(a) An independent credit report from a consumer reporting agency;

(b) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction.

(D) The superintendent shall pay all funds advanced and application and renewal fees and penalties the superintendent receives pursuant to this section and section 1322.10 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.

(E) If an application for a certificate of registration 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.

(F) A certificate of registration and the authority granted under that certificate is not transferable or assignable and cannot be franchised by contract or any other means.

(G)(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 lender, mortgage servicer,

or mortgage broker certificates of registration or the persons associated with a mortgage lender, mortgage servicer, or mortgage broker.

(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.

Sec. 1322.10. (A) Upon the conclusion of the investigation required under division (B) of section 1322.09 of the Revised Code, the superintendent of financial institutions shall issue a certificate of registration to the applicant if the superintendent finds that the following conditions are met:

(1) The application is accompanied by the application fee and any fee required by the nationwide mortgage licensing system and registry.

(a) If a check or other draft instrument is returned to the superintendent for insufficient funds, the superintendent shall notify the applicant by certified mail, return receipt requested, that the application will be withdrawn unless the applicant, within thirty days after receipt of the notice, submits the application fee and a one-hundred-dollar penalty to the superintendent. If the applicant does not submit the application fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the application shall be withdrawn.

(b) If a check or other draft instrument is returned to the superintendent for insufficient funds after the certificate of registration has been issued, the superintendent shall notify the registrant by certified mail, return receipt requested, that the certificate of registration issued in reliance on the check or other draft instrument will be canceled unless the registrant, within thirty days after receipt of the notice, submits the application fee and a one-hundred-dollar penalty to the superintendent. If the registrant does not submit the application fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the certificate of registration shall be canceled immediately without a hearing, and the registrant shall cease activity as a mortgage broker, mortgage lender, or mortgage servicer.

(2) If the application is for a location that is a residence, evidence that

the use of the residence to transact business as a mortgage lender, mortgage broker, or mortgage servicer is not prohibited.

(3) The applicant maintains all necessary filings and approvals required by the secretary of state.

(4) The applicant complies with the surety bond requirements of section 1322.32 of the Revised Code.

(5) The applicant has not made a material misstatement of fact or material omission of fact in the application.

(6) Neither the applicant nor any person whose identity is required to be disclosed on an application for a certificate of registration has had such a certificate of registration or mortgage loan originator license, or any comparable authority, revoked in any governmental jurisdiction or has pleaded guilty or nolo contendere to or been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.

(7) The applicant's operations manager successfully completed the examination required by section 1322.27 of the Revised Code.

(8) The applicant's financial responsibility, experience, and general fitness command the confidence of the public and warrant the belief that the business will be operated honestly, fairly, and efficiently in compliance with the purposes of this chapter and the rules adopted thereunder. The superintendent shall not use a credit score or a bankruptcy as the sole basis for registration denial.

(B) For purposes of determining whether an applicant that is a partnership, corporation, or other business entity or association has met the conditions set forth in divisions (A)(6) and (8) of this section, the superintendent shall determine which partners, shareholders, or persons named in the application must meet those conditions. This determination shall be based on the extent and nature of the partner's, shareholder's, or person's ownership interest in the partnership, corporation, or other business entity or association that is the applicant and on whether the person is in a position to direct, control, or adversely influence the operations of the applicant.

(C) The certificate of registration issued pursuant to division (A) of this section may be renewed annually on or before the thirty-first day of December if the superintendent finds that all of the following conditions are met:

(1) The renewal application is accompanied by a nonrefundable renewal fee of ~~five~~ seven hundred dollars for each location of an office to be maintained by the applicant in accordance with division (A) of section 1322.07 of the Revised Code and any fee required by the nationwide mortgage licensing system and registry. If a check or other draft instrument is

returned to the superintendent for insufficient funds, the superintendent shall notify the registrant by certified mail, return receipt requested, that the certificate of registration renewed in reliance on the check or other draft instrument will be canceled unless the registrant, within thirty days after receipt of the notice, submits the renewal fee and a one-hundred-dollar penalty to the superintendent. If the registrant does not submit the renewal fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the certificate of registration shall be canceled immediately without a hearing and the registrant shall cease activity as a mortgage broker, mortgage lender, or mortgage servicer.

(2) The applicant meets the conditions set forth in divisions (A)(2), (3), (4), (5), (7), and (8) of this section.

(3) Neither the applicant nor any person whose identity is required to be disclosed on the renewal application has had a certificate of registration or mortgage loan originator license, or any comparable authority, revoked in any governmental jurisdiction or has pleaded guilty or nolo contendere to or been convicted of any of the following in a domestic, foreign, or military court:

(a) During the seven-year period immediately preceding the date of the renewal application but excluding any time before the certificate of registration was issued, a misdemeanor involving theft or any felony;

(b) At any time between the date of the original certificate of registration and the date of the renewal application, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering.

(4) The applicant's certificate of registration is not subject to an order of suspension or an unpaid and past due fine imposed by the superintendent.

(D)(1) Subject to division (D)(2) of this section, if a renewal fee or additional fee required by the nationwide mortgage licensing system and registry is received by the superintendent after the thirty-first day of December, the certificate of registration shall not be considered renewed, and the applicant shall cease activity as a mortgage lender, mortgage broker, or mortgage servicer.

(2) Division (D)(1) of this section shall not apply if the applicant, not later than forty-five days after the renewal deadline, submits the renewal fee or additional fee and a ~~one-hundred-dollar~~ one-hundred-fifty-dollar penalty to the superintendent.

(E) Certificates of registration issued under this chapter annually expire on the thirty-first day of December.

(F) The pardon or expungement of a conviction shall not be considered a conviction for purposes of this section."

After line 100468, insert:

"Section 149.43 of the Revised Code as amended by both S.B. 4 of the 134th General Assembly and S.B. 284 of the 133rd General Assembly.

Section 1322.10 of the Revised Code as amended by both H.B. 133 of the 134th General Assembly and H.B. 263 of the 133rd General Assembly."

After line 85795a, insert:

"5KN0 195XXX Special Projects \$1,000,000 \$0"

In line 85814, add \$1,000,000 to fiscal year 2022

In line 85850, add \$1,000,000 to fiscal year 2022

After line 86149, insert:

"SPECIAL PROJECTS

The foregoing appropriation item 195XXX, Special Projects, shall be used by the Director of Development to distribute funds to the City of Sidney to support site preparation or remediation or both. Any funds distributed to the City of Sidney under this section shall be matched in an amount equal to or greater than the amount being distributed. The City of Sidney may use city, county, or federal funding sources to provide the matching funds. An amount equal to the unexpended, unencumbered balance remaining in appropriation item 195XXX Special Projects, at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023."

In line 1319, delete "Two" and insert "Three"; after "public" insert "one of whom is recommended by the minority leader of the senate"

In line 1326, delete "Two" and insert "Three"; after "public" insert "one of whom is recommended by the minority leader of the house of representatives"

In line 1327, after "(4)" delete the balance of the line

Delete lines 1328 through 1330

In line 1331, delete "(6)"

In line 100451, delete "701.05,"

In line 45933, delete "in consultation with the auditor"

In line 45934, delete "of state."

In line 86858, delete "\$50,000,000" and insert "\$57,000,000"

In line 86872, add \$7,000,000 to fiscal year 2022

In line 86873, add \$7,000,000 to fiscal year 2022

After line 89545, insert:

"(A) Of the foregoing appropriation item 200640, Federal

Coronavirus School Relief, up to \$7,000,000 in fiscal year 2022 shall be used to support programs focused on attendance recovery for students in grades kindergarten through twelve. The Department of Education shall enter into a contract with one or more entities that specialize in recovering students who, prior to the COVID-19 pandemic, would have been considered truant but have yet to be adjudicated by the courts or recovered by other educational means. The Department of Education shall support this set-aside using the state activity funds provided under Title III, Sec. 313(e) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260.

(B)"

In line 89546, after "The" insert "remainder of the"

In line 89553, delete everything after "the"

In line 89554, delete "School Relief," and insert "amount allocated in this division"

In line 30331, delete "the priority application period"

In line 30332, delete "specified in section 3310.16 of the Revised Code" and insert "February prior to that school year"

In line 30334, delete "the priority"

In line 30335, delete "application period" and insert "February"

Delete lines 99365 through 99400 and insert:

"(1) Any student who was excused from the compulsory attendance law under section 3321.04 of the Revised Code for purposes of home instruction during the 2020-2021 school year, regardless of whether that student was enrolled in a public or nonpublic school in any prior school year, and who, for the 2021-2022 school year, is or would be assigned to a school included on the "EdChoice Scholarship Program 2019-2020 List of Designated Public Schools" issued by the Department of Education;

(2) Any student who was new to Ohio during the 2020-2021 school year and who, for the 2021-2022 school year, is or would be assigned to a school included on the "EdChoice Scholarship Program 2019-2020 List of Designated Public Schools" issued by the Department;

(3) Any student who is enrolling in kindergarten for the 2021-2022 school year and who, for that school year, would be assigned to a school included on the "EdChoice Scholarship Program 2019-2020 List of Designated Public Schools" issued by the Department;

(4) Any student who was enrolled in a public school, nonpublic school, or excused from the compulsory attendance law under section 3321.04 of the Revised Code for purposes of home instruction during the 2020-2021 school year and who meets both of the following criteria:

(a) The student was or would have been assigned to a school during

the 2019-2020 school year that was included on the "EdChoice Scholarship Program 2019-2020 List of Designated Public Schools" issued by the Department.

(b) The student subsequently relocated and was or would have been assigned to a school building on the "EdChoice Scholarship Program 2020-2021 List of Designated Public Schools" during the 2020-2021 school year.

(5) Any student who was enrolled in a nonpublic school for the eighth grade during the 2020-2021 school year and who, for ninth grade during the 2021-2022 school year, is enrolled in or otherwise would be assigned to a school building operated by the student's resident district that is on the 2019-2020 or 2021-2022 "EdChoice Scholarship Program List of Designated Public Schools" issued by the Department;

(6) Siblings of any student who is determined to be eligible under division (A)(1), (2), (3), (4), or (5) of this section or who received a scholarship during the 2020-2021 school year."

Delete lines 99413 through 99416 and insert:

"(C) For complete applications submitted by August 1, 2021, the Department shall provide notice of award or denial not later than September 15, 2021.

(D) The Department may request any individual applying for a scholarship on behalf of a student to provide appropriate documentation, as defined by the Department, that the student meets the eligibility qualifications prescribed under this section.

(E) Notwithstanding division (A)(1) of section 3310.16 of the Revised Code, as amended by this act, for the 2021-2022 school year only, the Department shall not prorate any scholarship awarded to a student under the Educational Choice Scholarship Pilot Program based on a complete application that was submitted to the Department on the student's behalf by October 31, 2021."

In line 82 of the title, after "3734.901," insert "3735.65, 3735.67, 3735.671,"

In line 123 of the title, after "5709.41," insert "5709.61, 5709.62, 5709.63, 5709.631, 5709.632,"

In line 174 of the title, delete "and"; after "5747.75" insert ", 5751.052, and 5751.091"

In line 294, after "3734.901," insert "3735.65, 3735.67, 3735.671,"

In line 325, after "5709.41," insert "5709.61, 5709.62, 5709.63, 5709.631, 5709.632,"

In line 362, delete "and"; after "5747.75" insert ", 5751.052, and 5751.091"

After line 5425, insert:

"(11) "Megaproject" means a project in this state that meets all of the following requirements:

(a) The project requires unique sites, extremely robust utility service, and a technically skilled workforce.

(b) The megaproject operator of the project compensates the project's employees at an average hourly wage of at least three hundred per cent of the federal minimum wage under 29 U.S.C. 206, exclusive of employee benefits, at the time the tax credit authority approves the project for a credit under this section.

(c) The project satisfies either of the following by the metric evaluation date applicable to the project:

(i) The megaproject operator makes at least one billion dollars, as adjusted under division (V)(1) of this section, in fixed-asset investments in the project.

(ii) The megaproject operator creates at least seventy-five million dollars, as adjusted under division (V)(1) of this section, in Ohio employee payroll at the project.

(d) If the project satisfies division (A)(11)(c)(ii) of this section, then, on and after the metric evaluation date and until the end of the last year for which the megaproject qualifies for the credit authorized under this section, the megaproject operator maintains at least the amount in Ohio employee payroll at the project required under that division for each year in that period.

(12) "Megaproject operator" means a taxpayer that undertakes and operates a megaproject.

(13) "Megaproject supplier" means a supplier in this state that sells tangible personal property directly to a megaproject operator and meets all of the following requirements:

(a) Satisfies both of the following by the metric evaluation date applicable to the megaproject supplier:

(i) Makes at least one hundred million dollars, as adjusted under division (V)(2) of this section, in fixed-asset investments in this state;

(ii) Creates at least ten million dollars, as adjusted under division (V)(2) of this section, in Ohio employee payroll.

(b) On and after the metric evaluation date, until the end of the last year for which the megaproject supplier qualifies for the credit authorized under this section, maintains at least the amount in Ohio employee payroll required under division (A)(13)(a)(ii) of this section for each year in that period."

In line 5494, after "(D)(2)(b)" insert "or (c)"

In line 5501, after "assembly" insert ".

(c) If the taxpayer is a megaproject operator or a megaproject supplier, the term of the tax credit shall not exceed thirty years"

In line 5523, strike through the semicolon and insert ". If the taxpayer is a megaproject supplier, the director shall issue such a certificate to the supplier and to any megaproject operator (a) to which the supplier directly sells tangible personal property and (b) that is authorized to claim the credit pursuant to division (D)(10) of this section."

In line 5543, after "2011" insert ";

(10) If the taxpayer is a megaproject supplier, the percentage of the annual tax credit certified under division (D)(7) of this section, up to one hundred per cent, that may be claimed by each megaproject operator to which the supplier directly sells tangible personal property, rather than by that supplier, on the condition that the megaproject operator continues to qualify as a megaproject operator;

(11) If the taxpayer is a megaproject operator or megaproject supplier, a requirement that the taxpayer continue to qualify as a megaproject operator or megaproject supplier, respectively, until the end of the last year for which the taxpayer qualifies for the credit authorized under this section"

After line 5811, insert:

"(U) The director of development services shall notify the tax commissioner if the director determines that a megaproject operator or megaproject supplier is not in compliance with the agreement pursuant to a review conducted under division (D)(7) of this section.

(V) Beginning in 2025 and in each fifth calendar year thereafter, the tax commissioner shall adjust the following amounts in September of that year:

(1) The fixed-asset investment threshold described in division (A)(11)(c)(i) of this section and the Ohio employee payroll threshold described in division (A)(11)(c)(ii) of this section by completing the following calculations:

(a) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the fifth preceding calendar year to the last day of December of the preceding calendar year;

(b) Multiply that percentage increase by the fixed-asset investment threshold and the Ohio employee payroll threshold for the current year;

(c) Add the resulting products to the corresponding fixed-asset investment threshold and Ohio employee payroll threshold for the current year;

(d) Round the resulting fixed-asset investment sum to the nearest multiple of ten million dollars and the Ohio employee payroll sum to the nearest multiple of one million dollars.

(2) The fixed-asset investment threshold described in division (A)(13)(a)(i) of this section and the Ohio employee payroll threshold described in division (A)(13)(a)(ii) of this section by completing the calculations described in divisions (V)(1)(a) to (c) of this section and rounding the resulting fixed-asset investment sum to the nearest multiple of one million dollars and the Ohio employee payroll sum to the nearest multiple of one hundred thousand dollars.

The commissioner shall certify the amount of the adjustments under divisions (V)(1) and (2) of this section to the director of development services and to the tax credit authority not later than the first day of December of the year the commissioner computes the adjustment. Each certified amount applies to the ensuing calendar year and each calendar year thereafter until the tax commissioner makes a new adjustment. The tax commissioner shall not calculate a new adjustment in any year in which the resulting amount from the adjustment would be less than the corresponding amount for the current year."

After line 47753, insert:

"Sec. 3735.65. As used in sections 3735.65 to 3735.70 of the Revised Code:

(A) "Housing officer" means an officer or agency of a municipal corporation or county designated by the legislative authority of the municipal corporation or county, pursuant to section 3735.66 of the Revised Code, for each community reinvestment area to administer sections 3735.65 to 3735.69 of the Revised Code. One officer or agency may be designated as the housing officer for more than one community reinvestment area.

(B) "Community reinvestment area" means an area within a municipal corporation or unincorporated area of a county for which the legislative authority of the municipal corporation or, for the unincorporated area, of the county, has adopted a resolution under section 3735.66 of the Revised Code describing the boundaries of the area and containing a statement of finding that the area included in the description is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged.

(C) "Remodeling" means any change made in a structure for the purpose of making it structurally more sound, more habitable, or for the purpose of improving its appearance.

(D) "Structure of historical or architectural significance" means those

designated as such by resolution of the legislative authority of a municipal corporation, for those located in a municipal corporation, or the county, for those located in the unincorporated area of the county based on age, rarity, architectural quality, or because of a previous designation by a historical society, association, or agency.

(E) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code.

Sec. 3735.67. (A) The owner of real property located in a community reinvestment area and eligible for exemption from taxation under a resolution adopted pursuant to section 3735.66 of the Revised Code may file an application for an exemption from real property taxation of a percentage of the assessed valuation of a new structure, or of the increased assessed valuation of an existing structure after remodeling began, if the new structure or remodeling is completed after the effective date of the resolution adopted pursuant to section 3735.66 of the Revised Code. The application shall be filed with the housing officer designated for the community reinvestment area in which the property is located. If any part of the new structure or remodeled structure that would be exempted is of real property to be used for commercial or industrial purposes, the legislative authority and the owner of the property shall enter into a written agreement pursuant to section 3735.671 of the Revised Code prior to commencement of construction or remodeling; if such an agreement is subject to approval by the board of education of the school district within the territory of which the property is or will be located, the agreement shall not be formally approved by the legislative authority until the board of education approves the agreement in the manner prescribed by that section.

(B) The housing officer shall verify the construction of the new structure or the cost of the remodeling of the existing structure and the facts asserted in the application. The housing officer shall determine whether the construction or remodeling meets the requirements for an exemption under this section. In cases involving a structure of historical or architectural significance, the housing officer shall not determine whether the remodeling meets the requirements for a tax exemption unless the appropriateness of the remodeling has been certified, in writing, by the society, association, agency, or legislative authority that has designated the structure or by any organization or person authorized, in writing, by such society, association, agency, or legislative authority to certify the appropriateness of the remodeling.

(C) If the construction or remodeling meets the requirements for exemption, the housing officer shall forward the application to the county auditor with a certification as to the division of this section under which the exemption is granted, and the period and percentage of the exemption as determined by the legislative authority pursuant to that division. If the

construction or remodeling is of commercial or industrial property and the legislative authority is not required to certify a copy of a resolution under section 3735.671 of the Revised Code, the housing officer shall comply with the notice requirements prescribed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

(D) Except as provided in division (F) of this section, the tax exemption shall first apply in the year the construction or remodeling would first be taxable but for this section. In the case of remodeling that qualifies for exemption, a percentage, not to exceed one hundred per cent, of the increased assessed valuation of an existing structure after remodeling began shall be exempted from real property taxation. In the case of construction of a structure that qualifies for exemption, a percentage, not to exceed one hundred per cent, of the assessed value of the structure shall be exempted from real property taxation. In either case, the percentage shall be the percentage set forth in the agreement if the structure or remodeling is to be used for commercial or industrial purposes, or the percentage set forth in the resolution describing the community reinvestment area if the structure or remodeling is to be used for residential purposes.

The construction of new structures and the remodeling of existing structures are hereby declared to be a public purpose for which exemptions from real property taxation may be granted for the following periods:

(1) For every dwelling and commercial or industrial properties, located within the same community reinvestment area, upon which the cost of remodeling is at least two thousand five hundred dollars in the case of a dwelling containing not more than two family units or at least five thousand dollars in the case of all other property, a period to be determined by the legislative authority adopting the resolution, but not exceeding fifteen years. The period of exemption for a dwelling described in division (D)(1) of this section may be extended by a legislative authority for up to an additional ten years if the dwelling is a structure of historical or architectural significance, is a certified historic structure that has been subject to federal tax treatment under 26 U.S.C. 47 and 170(h), and units within the structure have been leased to individual tenants for five consecutive years;

(2) Except as provided in division (F) of this section, for construction of every dwelling, and commercial or industrial structure located within the same community reinvestment area, a period to be determined by the legislative authority adopting the resolution, but not exceeding fifteen years. The period of exemption for construction of a commercial or industrial structure may be extended by a legislative authority for up to an additional fifteen years if the structure is situated on the site of a megaproject or is owned and occupied by a megaproject supplier.

(E) Any person, board, or officer authorized by section 5715.19 of the Revised Code to file complaints with the county board of revision may file a complaint with the housing officer challenging the continued exemption of any property granted an exemption under this section. A complaint against exemption shall be filed prior to the thirty-first day of December of the tax year for which taxation of the property is requested. The housing officer shall determine whether the property continues to meet the requirements for exemption and shall certify the housing officer's findings to the complainant. If the housing officer determines that the property does not meet the requirements for exemption, the housing officer shall notify the county auditor, who shall correct the tax list and duplicate accordingly.

(F) The owner of a dwelling constructed in a community reinvestment area may file an application for an exemption after the year the construction first became subject to taxation. The application shall be processed in accordance with the procedures prescribed under this section and shall be granted if the construction that is the subject of the application otherwise meets the requirements for an exemption under this section. If approved, the exemption sought in the application first applies in the year the application is filed. An exemption approved pursuant to this division continues only for those years remaining in the period described in division (D)(2) of this section. No exemption may be claimed for any year in that period that precedes the year in which the application is filed.

Sec. 3735.671. (A) If construction or remodeling of commercial or industrial property is to be exempted from taxation pursuant to section 3735.67 of the Revised Code, the legislative authority and the owner of the property, prior to the commencement of construction or remodeling, shall enter into a written agreement, binding on both parties for a period of time that does not end prior to the end of the period of the exemption, that includes all of the information and statements prescribed by this section. Agreements may include terms not prescribed by this section, but such terms shall in no way derogate from the information and statements prescribed by this section.

(1) Except as otherwise provided in division (A)(2) or (3) of this section, an agreement entered into under this section shall not be approved by the legislative authority unless the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves the agreement. For the purpose of obtaining such approval, the legislative authority shall certify a copy of the agreement to the board of education not later than forty-five days prior to approving the agreement, excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the legislative authority not

later than fourteen days prior to the date stipulated by the legislative authority as the date upon which approval of the agreement is to be formally considered by the legislative authority. The board of education may include in the resolution conditions under which the board would approve the agreement. The legislative authority may approve an agreement at any time after the board of education certifies its resolution approving the agreement to the legislative authority, or, if the board approves the agreement conditionally, at any time after the conditions are agreed to by the board and the legislative authority.

(2) Approval of an agreement by the board of education is not required under division (A)(1) of this section if, for each tax year the real property is exempted from taxation, the sum of the following quantities, as estimated at or prior to the time the agreement is formally approved by the legislative authority, equals or exceeds fifty per cent of the amount of taxes, as estimated at or prior to that time, that would have been charged and payable that year upon the real property had that property not been exempted from taxation:

(a) The amount of taxes charged and payable on any portion of the assessed valuation of the new structure or of the increased assessed valuation of an existing structure after remodeling began that will not be exempted from taxation under the agreement;

(b) The amount of taxes charged and payable on tangible personal property located on the premises of the new structure or of the structure to be remodeled under the agreement, whether payable by the owner of the structure or by a related member, as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.

(c) The amount of any cash payment by the owner of the new structure or structure to be remodeled to the school district, the dollar value, as mutually agreed to by the owner and the board of education, of any property or services provided by the owner of the property to the school district, whether by gift, loan, or otherwise, and any payment by the legislative authority to the school district pursuant to section 5709.82 of the Revised Code.

The estimates of quantities used for purposes of division (A)(2) of this section shall be estimated by the legislative authority. The legislative authority shall certify to the board of education that the estimates have been made in good faith. Departures of the actual quantities from the estimates subsequent to approval of the agreement by the board of education do not invalidate the agreement.

(3) If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board is not required under this division. If a board of

education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's execution of the agreement, the legislative authority shall deliver the notice to the board not later than the number of days prior to such execution as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(B) Each agreement shall include the following information:

(1) The names of all parties to the agreement;

(2) A description of the remodeling or construction, whether or not to be exempted from taxation, including existing or new structure size and cost thereof; the value of machinery, equipment, furniture, and fixtures, including an itemization of the value of machinery, equipment, furniture, and fixtures used at another location in this state prior to the agreement and relocated or to be relocated from that location to the property, and the value of machinery, equipment, furniture, and fixtures at the facility prior to the execution of the agreement; the value of inventory at the property, including an itemization of the value of inventory held at another location in this state prior to the agreement and relocated or to be relocated from that location to the property, and the value of inventory held at the property prior to the execution of the agreement;

(3) The scheduled starting and completion dates of remodeling or construction of real property or of investments made in machinery, equipment, furniture, fixtures, and inventory;

(4) Estimates of the number of employee positions to be created each year of the agreement and of the number of employee positions retained by the owner due to the remodeling or construction, itemized as to the number of full-time, part-time, permanent, and temporary positions;

(5) Estimates of the dollar amount of payroll attributable to the positions set forth in division (B)(4) of this section, similarly itemized;

(6) The number of employee positions, if any, at the property and at any other location in this state at the time the agreement is executed, itemized as to the number of full-time, part-time, permanent, and temporary positions.

(C) Each agreement shall set forth the following information and incorporate the following statements:

(1) A description of real property to be exempted from taxation under the agreement, the percentage of the assessed valuation of the real property exempted from taxation, and the period for which the exemption is granted,

accompanied by the statement: "The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after (insert date) nor extend beyond (insert date)."

(2) "..... (insert name of owner) shall pay such real property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If (insert name of owner) fails to pay such taxes or file such returns and reports, exemptions from taxation granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter."

(3) "..... (insert name of owner) hereby certifies that at the time this agreement is executed, (insert name of owner) does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which (insert name of owner) is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, (insert name of owner) currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against (insert name of owner). For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes."

(4) "..... (insert name of municipal corporation or county) shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions."

(5) "If for any reason (insert name of municipal corporation or county) revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless (insert name of owner) materially fails to fulfill its obligations under this agreement and (insert name of municipal corporation or county) terminates or modifies the exemptions from taxation pursuant to this agreement."

(6) "If (insert name of owner) materially fails to fulfill its obligations under this agreement, or if (insert name of municipal corporation or county) determines that the certification as to delinquent taxes required by this agreement is fraudulent, (insert name of municipal corporation or county) may terminate or modify the exemptions from

taxation granted under this agreement."

(7) "..... (insert name of owner) shall provide to the proper tax incentive review council any information reasonably required by the council to evaluate the applicant's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council."

(8) "This agreement is not transferable or assignable without the express, written approval of (insert name of municipal corporation or county)."

(9) "Exemptions from taxation granted under this agreement shall be revoked if it is determined that (insert name of owner), any successor to that person, or any related member (as those terms are defined in division (E) of section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under division (E) of section 3735.671 or section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections."

(10) "..... (insert name of owner) and (insert name of municipal corporation or county) acknowledge that this agreement must be approved by formal action of the legislative authority of (insert name of municipal corporation or county) as a condition for the agreement to take effect. This agreement takes effect upon such approval."

(11) If the agreement relates to a commercial or industrial structure subject to the extension for megaprojects or megaproject suppliers described in division (D)(2) of section 3735.67 of the Revised Code, both of the following:

(a) A requirement that the owner of the structure annually certify to the legislative authority whether the megaproject operator of the megaproject upon which the structure is situated or the megaproject supplier, as applicable, holds a certificate issued under division (D)(7) of section 122.17 of the Revised Code on the first day of the current tax year;

(b) A provision authorizing the legislative authority to terminate the exemption for current and subsequent tax years if the megaproject operator or megaproject supplier does not hold a certificate issued under division (D)(7) of section 122.17 of the Revised Code on the first day of the current tax year.

The statement described in division (C)(6) of this section may include the following statement, appended at the end of the statement: ", and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement." If the agreement includes a statement requiring repayment of exempted taxes, it also may authorize the legislative authority to secure repayment of such taxes

by a lien on the exempted property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property.

(D) Except as otherwise provided in this division, an agreement entered into under this section shall require that the owner pay an annual fee equal to the greater of one per cent of the amount of taxes exempted under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority and shall be used by the legislative authority exclusively for the purpose of complying with section 3735.672 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority may waive or reduce the amount of the fee, but such waiver or reduction does not affect the obligations of the legislative authority or the tax incentive review council to comply with section 3735.672 or 5709.85 of the Revised Code.

(E) If any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or section 5709.62, 5709.63, or 5709.632 of the Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member, prior to the expiration of five years after the discontinuation of operations. As used in this division, "successor" means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial nonrecognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. "Related member" has the same meaning as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.

The director of development services shall review all agreements submitted to the director under division (F) of this section for the purpose of enforcing this division. If the director determines there has been a violation of this division, the director shall notify the legislative authority of such violation, and the legislative authority immediately shall revoke the exemption granted under the agreement.

(F) When an agreement is entered into under this section, the legislative authority authorizing the agreement shall forward a copy of the

agreement to the director of development services within fifteen days after the agreement is entered into."

After line 72854, insert:

"Sec. 5709.61. As used in sections 5709.61 to 5709.69 of the Revised Code:

(A) "Enterprise zone" or "zone" means any of the following:

(1) An area with a single continuous boundary designated in the manner set forth in section 5709.62 or 5709.63 of the Revised Code and certified by the director of development as having a population of at least four thousand according to the best and most recent data available to the director and having at least two of the following characteristics:

(a) It is located in a municipal corporation defined by the United States office of management and budget as a principal city of a metropolitan statistical area;

(b) It is located in a county designated as being in the "Appalachian region" under the "Appalachian Regional Development Act of 1965," 79 Stat. 5, 40 App. U.S.C.A. 403, as amended;

(c) Its average rate of unemployment, during the most recent twelve-month period for which data are available, is equal to at least one hundred twenty-five per cent of the average rate of unemployment for the state of Ohio for the same period;

(d) There is a prevalence of commercial or industrial structures in the area that are vacant or demolished, or are vacant and the taxes charged thereon are delinquent, and certification of the area as an enterprise zone would likely result in the reduction of the rate of vacant or demolished structures or the rate of tax delinquency in the area;

(e) The population of all census tracts in the area, according to the federal census of 2000, decreased by at least ten per cent between the years 1980 and 2000;

(f) At least fifty-one per cent of the residents of the area have incomes of less than eighty per cent of the median income of residents of the municipal corporation or municipal corporations in which the area is located, as determined in the same manner specified under section 119(b) of the "Housing and Community Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended;

(g) The area contains structures previously used for industrial purposes, but currently not so used due to age, obsolescence, deterioration, relocation of the former occupant's operations, or cessation of operations resulting from unfavorable economic conditions either generally or in a specific economic sector;

(h) It is located within one or more adjacent city, local, or exempted village school districts, the income-weighted tax capacity of each of which is less than seventy per cent of the average of the income-weighted tax capacity of all city, local, or exempted village school districts in the state according to the most recent data available to the director from the department of taxation.

The director of development shall adopt rules in accordance with Chapter 119. of the Revised Code establishing conditions constituting the characteristics described in divisions (A)(1)(d), (g), and (h) of this section.

If an area could not be certified as an enterprise zone unless it satisfied division (A)(1)(g) of this section, the legislative authority may enter into agreements in that zone under section 5709.62, 5709.63, or 5709.632 of the Revised Code only if such agreements result in the development of the facilities described in that division, the parcel of land on which such facilities are situated, or adjacent parcels. The director of development annually shall review all agreements in such zones to determine whether the agreements have resulted in such development; if the director determines that the agreements have not resulted in such development, the director immediately shall revoke certification of the zone and notify the legislative authority of such revocation. Any agreements entered into prior to revocation under this paragraph shall continue in effect for the period provided in the agreement.

(2) An area with a single continuous boundary designated in the manner set forth in section 5709.63 of the Revised Code and certified by the director of development as having all of the following characteristics:

(a) Being located within a county that contains a population of three hundred thousand or less;

(b) Having a population of at least one thousand according to the best and most recent data available to the director;

(c) Having at least two of the characteristics described in divisions (A)(1)(b) to (h) of this section.

(3) An area with a single continuous boundary designated in the manner set forth under division (A)(1) of section 5709.632 of the Revised Code and certified by the director of development as having a population of at least four thousand, or under division (A)(2) of that section and certified as having a population of at least one thousand, according to the best and most recent data available to the director.

(B) "Enterprise" means any form of business organization including, but not limited to, any partnership, sole proprietorship, or corporation, including an S corporation as defined in section 1361 of the Internal Revenue Code and any corporation that is majority worker-owned either directly through the ownership of stock or indirectly through participation in an employee stock ownership plan.

(C) "Facility" means an enterprise's place of business in a zone, including land, buildings, machinery, equipment, and other materials, except inventory, used in business. "Facility" includes land, buildings, machinery, production and station equipment, other equipment, and other materials, except inventory, used in business to generate electricity, provided that, for purposes of sections 5709.61 to 5709.69 of the Revised Code, the value of the property at such a facility shall be reduced by the value, if any, that is not apportioned under section 5727.15 of the Revised Code to the taxing district in which the facility is physically located. In the case of such a facility that is physically located in two adjacent taxing districts, the property located in each taxing district constitutes a separate facility.

"Facility" does not include any portion of an enterprise's place of business used primarily for making retail sales unless the place of business is located in an impacted city as defined in section 1728.01 of the Revised Code or the board of education of the city, local, or exempted village school district within the territory of which the place of business is located adopts a resolution waiving the exclusion of retail facilities under section 5709.634 of the Revised Code.

(D) "Vacant facility" means a facility that has been vacant for at least ninety days immediately preceding the date on which an agreement is entered into under section 5709.62 or 5709.63 of the Revised Code.

(E) "Expand" means to make expenditures to add land, buildings, machinery, equipment, or other materials, except inventory, to a facility that equal at least ten per cent of the market value of the facility prior to such expenditures, as determined for the purposes of local property taxation.

(F) "Renovate" means to make expenditures to alter or repair a facility that equal at least fifty per cent of the market value of the facility prior to such expenditures, as determined for the purposes of local property taxation.

(G) "Occupy" means to make expenditures to alter or repair a vacant facility equal to at least twenty per cent of the market value of the facility prior to such expenditures, as determined for the purposes of local property taxation.

(H) "Project site" means all or any part of a facility that is newly constructed, expanded, renovated, or occupied by an enterprise.

(I) "Project" means any undertaking by an enterprise to establish a facility or to improve a project site by expansion, renovation, or occupancy.

(J) "Position" means the position of one full-time employee performing a particular set of tasks and duties.

(K) "Full-time employee" means an individual who is employed for consideration by an enterprise for at least thirty-five hours a week, or who

renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(L) "New employee" means a full-time employee first employed by an enterprise at a facility that is a project site after the enterprise enters an agreement under section 5709.62 or 5709.63 of the Revised Code. "New employee" does not include an employee if, immediately prior to being employed by the enterprise, the employee was employed by an enterprise that is a related member or predecessor enterprise of that enterprise.

(M) "Unemployed person" means any person who is totally unemployed in this state, as that term is defined in division (M) of section 4141.01 of the Revised Code, for at least ten consecutive weeks immediately preceding that person's employment at a facility that is a project site, or who is so unemployed for at least twenty-six of the fifty-two weeks immediately preceding that person's employment at such a facility.

(N) "JTPA eligible employee" means any individual who is eligible for employment or training under the "Job Training Partnership Act," 96 Stat. 1324 (1982), 29 U.S.C. 1501, as amended.

(O) "First used in business" means that the property referred to has not been used in business in this state by the enterprise that owns it, or by an enterprise that is a related member or predecessor enterprise of such an enterprise, other than as inventory, prior to being used in business at a facility as the result of a project.

(P) "Training program" means any noncredit training program or course of study that is offered by any state college or university; university branch district; community college; technical college; nonprofit college or university certified under section 1713.02 of the Revised Code; school district; joint vocational school district; school registered and authorized to offer programs under section 3332.05 of the Revised Code; an entity administering any federal, state, or local adult education and training program; or any enterprise; and that meets all of the following requirements:

- (1) It is approved by the director of development;
- (2) It is established or operated to satisfy the need of a particular industry or enterprise for skilled or semi-skilled employees;
- (3) An individual is required to complete the course or program before filling a position at a project site.

(Q) "Development" means to engage in the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, curbs, gutters, sidewalks, storm drainage facilities, and construction of other facilities or buildings equal to at least fifty per cent of the market value of the facility prior to the expenditures, as determined for the purposes of local

property taxation.

(R) "Large manufacturing facility" means a single Ohio facility that employed an average of at least one thousand individuals during the five calendar years preceding an agreement authorized under division (C)(3) of section 5709.62 or division (B)(2) of section 5709.63 of the Revised Code. For purposes of this division, both of the following apply:

(1) A single Ohio manufacturing facility employed an average of at least one thousand individuals during the five calendar years preceding entering into such an agreement if one-fifth of the sum of the number of employees employed on the highest employment day during each of the five calendar years equals or exceeds one thousand.

(2) The highest employment day is the day or days during a calendar year on which the number of employees employed at a single Ohio manufacturing facility was greater than on any other day during the calendar year.

(S) "Business cycle" means the cycle of business activity usually regarded as passing through alternating stages of prosperity and depression.

(T) "Making retail sales" means the effecting of point-of-final-purchase transactions at a facility open to the consuming public, wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold.

(U) "Environmentally contaminated" means that hazardous substances exist at a facility under conditions that have caused or would cause the facility to be identified as contaminated by the state or federal environmental protection agency. These may include facilities located at sites identified in the master sites list or similar database maintained by the state environmental protection agency if the sites have been investigated by the agency and found to be contaminated.

(V) "Remediate" means to make expenditures to clean up an environmentally contaminated facility so that it is no longer environmentally contaminated that equal at least ten per cent of the real property market value of the facility prior to such expenditures as determined for the purposes of property taxation.

(W) "Related member" has the same meaning as defined in section 5733.042 of the Revised Code without regard to division (B) of that section, except that it is used with respect to an enterprise rather than a taxpayer.

(X) "Predecessor enterprise" means an enterprise from which the assets or equity of another enterprise has been transferred, which transfer resulted in the full or partial nonrecognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner.

(Y) "Successor enterprise" means an enterprise to which the assets or

equity of another enterprise has been transferred, which transfer resulted in the full or partial nonrecognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner.

(Z) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code.

Sec. 5709.62. (A) In any municipal corporation that is defined by the United States office of management and budget as a principal city of a metropolitan statistical area, the legislative authority of the municipal corporation may designate one or more areas within its municipal corporation as proposed enterprise zones. Upon designating an area, the legislative authority shall petition the director of development services for certification of the area as having the characteristics set forth in division (A)(1) of section 5709.61 of the Revised Code as amended by Substitute Senate Bill No. 19 of the 120th general assembly. Except as otherwise provided in division (E) of this section, on and after July 1, 1994, legislative authorities shall not enter into agreements under this section unless the legislative authority has petitioned the director and the director has certified the zone under this section as amended by that act; however, all agreements entered into under this section as it existed prior to July 1, 1994, and the incentives granted under those agreements shall remain in effect for the period agreed to under those agreements. Within sixty days after receiving such a petition, the director shall determine whether the area has the characteristics set forth in division (A)(1) of section 5709.61 of the Revised Code, and shall forward the findings to the legislative authority of the municipal corporation. If the director certifies the area as having those characteristics, and thereby certifies it as a zone, the legislative authority may enter into an agreement with an enterprise under division (C) of this section.

(B) Any enterprise that wishes to enter into an agreement with a municipal corporation under division (C) of this section shall submit a proposal to the legislative authority of the municipal corporation on a form prescribed by the director of development services, together with the application fee established under section 5709.68 of the Revised Code. The form shall require the following information:

(1) An estimate of the number of new employees whom the enterprise intends to hire, or of the number of employees whom the enterprise intends to retain, within the zone at a facility that is a project site, and an estimate of the amount of payroll of the enterprise attributable to these employees;

(2) An estimate of the amount to be invested by the enterprise to establish, expand, renovate, or occupy a facility, including investment in new buildings, additions or improvements to existing buildings, machinery, equipment, furniture, fixtures, and inventory;

(3) A listing of the enterprise's current investment, if any, in a facility

as of the date of the proposal's submission.

The enterprise shall review and update the listings required under this division to reflect material changes, and any agreement entered into under division (C) of this section shall set forth final estimates and listings as of the time the agreement is entered into. The legislative authority may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(C) Upon receipt and investigation of a proposal under division (B) of this section, if the legislative authority finds that the enterprise submitting the proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and improve the economic climate of the municipal corporation, the legislative authority may do one of the following:

(1) Enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the following incentives:

(a) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to seventy-five per cent, of the assessed value of tangible personal property first used in business at the project site as a result of the agreement. If an exemption for inventory is specifically granted in the agreement pursuant to this division, the exemption applies to inventory required to be listed pursuant to sections 5711.15 and 5711.16 of the Revised Code, except that, in the instance of an expansion or other situations in which an enterprise was in business at the facility prior to the establishment of the zone, the inventory that is exempt is that amount or value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year in which the agreement is entered into.

(b) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to seventy-five per cent, of the increase in the assessed valuation of real property constituting the project site subsequent to formal approval of the agreement by the legislative authority;

(c) Provision for a specified number of years, not to exceed fifteen, of any optional services or assistance that the municipal corporation is authorized to provide with regard to the project site.

(2) Enter into an agreement under which the enterprise agrees to remediate an environmentally contaminated facility, to spend an amount equal to at least two hundred fifty per cent of the true value in money of the real property of the facility prior to remediation as determined for the

purposes of property taxation to establish, expand, renovate, or occupy the remediated facility, and to hire new employees or preserve employment opportunities for existing employees at the remediated facility, in return for one or more of the following incentives:

(a) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, not to exceed fifty per cent, of the assessed valuation of the real property of the facility prior to remediation;

(b) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, not to exceed one hundred per cent, of the increase in the assessed valuation of the real property of the facility during or after remediation;

(c) The incentive under division (C)(1)(a) of this section, except that the percentage of the assessed value of such property exempted from taxation shall not exceed one hundred per cent;

(d) The incentive under division (C)(1)(c) of this section.

(3) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has ceased operation or announced its intention to cease operation, in return for exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to one hundred per cent, of the assessed value of tangible personal property used in business at the project site as a result of the agreement, or of the assessed valuation of real property constituting the project site, or both;

(4) Enter into an agreement with an enterprise that either is the owner of real property constituting the site of a megaproject or is a megaproject supplier in return for an exemption for a specified number of years, not to exceed thirty, of a specified portion, up to one hundred per cent, of the increase in the assessed value of real property constituting the site of a megaproject or real property owned and occupied by the megaproject supplier, respectively, beginning after the tax year in which the agreement is formally approved by the legislative authority.

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this section, the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions may exceed seventy-five per cent in any year for which that portion is exempted if the average percentage exempted for all years in which the agreement is in effect does not exceed sixty per cent, or if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a percentage in excess of seventy-five per cent.

(2) Notwithstanding any provision of the Revised Code to the contrary, the exemptions described in divisions (C)(1)(a), (b), and (c), (C)(2)

(a), (b), and (c), and (C)(3) of this section may be for up to fifteen years and the exemption described in division (C)(4) of this section may be for up to thirty years if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a number of years in excess of ten.

(3) For the purpose of obtaining the approval of a city, local, or exempted village school district under division (D)(1) or (2) of this section, the legislative authority shall deliver to the board of education a notice not later than forty-five days prior to approving the agreement, excluding Saturdays, Sundays, and legal holidays as defined in section 1.14 of the Revised Code. The notice shall state the percentage to be exempted, an estimate of the true value of the property to be exempted, and the number of years the property is to be exempted. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the legislative authority not later than fourteen days prior to the date stipulated by the legislative authority as the date upon which approval of the agreement is to be formally considered by the legislative authority. The board of education may include in the resolution conditions under which the board would approve the agreement, including the execution of an agreement to compensate the school district under division (B) of section 5709.82 of the Revised Code. The legislative authority may approve the agreement at any time after the board of education certifies its resolution approving the agreement to the legislative authority, or, if the board approves the agreement conditionally, at any time after the conditions are agreed to by the board and the legislative authority. If an agreement is negotiated between the legislative authority and the board to compensate the school district for all or part of the taxes exempted, the legislative authority shall compensate the joint vocational school district within which the property is located at the same rate and under the same terms received by the city, local, or exempted village school district.

If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's approval of the agreement, the legislative authority shall deliver the notice to the board not later than the number of days prior to such approval as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(4) The legislative authority shall comply with section 5709.83 of the Revised Code unless the board of education has adopted a resolution under that section waiving its right to receive such notice.

(E) This division applies to zones certified by the director of development services under this section prior to July 22, 1994.

The legislative authority that designated a zone to which this division applies may enter into an agreement with an enterprise if the legislative authority finds that the enterprise satisfies one of the criteria described in divisions (E)(1) to (5) of this section:

(1) The enterprise currently has no operations in this state and, subject to approval of the agreement, intends to establish operations in the zone;

(2) The enterprise currently has operations in this state and, subject to approval of the agreement, intends to establish operations at a new location in the zone that would not result in a reduction in the number of employee positions at any of the enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in another state, to the zone;

(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development services has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

The agreement shall require the enterprise to agree to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the incentives described in division (C) of this section.

(F) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement is entered into under this section, if the legislative authority revokes its designation of a zone, or if the director of development services revokes a zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(G) Except as otherwise provided in this division, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be

payable to the legislative authority once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority and shall be used by the legislative authority exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority may waive or reduce the amount of the fee charged against an enterprise, but such a waiver or reduction does not affect the obligations of the legislative authority or the tax incentive review council to comply with section 5709.68 or 5709.85 of the Revised Code.

(H) When an agreement is entered into pursuant to this section, the legislative authority authorizing the agreement shall forward a copy of the agreement to the director of development services and to the tax commissioner within fifteen days after the agreement is entered into. If any agreement includes terms not provided for in section 5709.631 of the Revised Code affecting the revenue of a city, local, exempted village, or joint vocational school district or causing revenue to be forgone by the district, including any compensation to be paid to the school district pursuant to section 5709.82 of the Revised Code, those terms also shall be forwarded in writing to the director of development services along with the copy of the agreement forwarded under this division.

(I) After an agreement is entered into, the enterprise shall file with each personal property tax return required to be filed, or annual report required to be filed under section 5727.08 of the Revised Code, while the agreement is in effect, an informational return, on a form prescribed by the tax commissioner for that purpose, setting forth separately the property, and related costs and values, exempted from taxation under the agreement.

(J) Enterprises may agree to give preference to residents of the zone within which the agreement applies relative to residents of this state who do not reside in the zone when hiring new employees under the agreement.

(K) An agreement entered into under this section may include a provision requiring the enterprise to create one or more temporary internship positions for students enrolled in a course of study at a school or other educational institution in the vicinity, and to create a scholarship or provide another form of educational financial assistance for students holding such a position in exchange for the student's commitment to work for the enterprise at the completion of the internship.

(L) The tax commissioner's authority in determining the accuracy of any exemption granted by an agreement entered into under this section is limited to divisions (C)(1)(a) and (b), (C)(2)(a), (b), and (c), (C)(3) and (4),

(D), and (I) of this section and divisions (B)(1) to (10) of section 5709.631 of the Revised Code and, as authorized by law, to enforcing any modification to, or revocation of, that agreement by the legislative authority of a municipal corporation or the director of development services.

Sec. 5709.63. (A) With the consent of the legislative authority of each affected municipal corporation or of a board of township trustees, a board of county commissioners may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in one or more municipal corporations or in unincorporated areas of the county as proposed enterprise zones. A board of county commissioners may designate no more than one area within a township, or within adjacent townships, as a proposed enterprise zone. The board shall petition the director of development services for certification of the area as having the characteristics set forth in division (A)(1) or (2) of section 5709.61 of the Revised Code as amended by Substitute Senate Bill No. 19 of the 120th general assembly. Except as otherwise provided in division (D) of this section, on and after July 1, 1994, boards of county commissioners shall not enter into agreements under this section unless the board has petitioned the director and the director has certified the zone under this section as amended by that act; however, all agreements entered into under this section as it existed prior to July 1, 1994, and the incentives granted under those agreements shall remain in effect for the period agreed to under those agreements. The director shall make the determination in the manner provided under section 5709.62 of the Revised Code.

Any enterprise wishing to enter into an agreement with the board under division (B) or (D) of this section shall submit a proposal to the board on the form and accompanied by the application fee prescribed under division (B) of section 5709.62 of the Revised Code. The enterprise shall review and update the estimates and listings required by the form in the manner required under that division. The board may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(B) If the board of county commissioners finds that an enterprise submitting a proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and to improve the economic climate of the municipal corporation or municipal corporations or the unincorporated areas in which the zone is located and to which the proposal applies, the board, with the consent of the legislative authority of each affected municipal corporation or of the board of township trustees, may do ~~either one~~ of the following:

(1) Enter into an agreement with the enterprise under which the

enterprise agrees to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for the following incentives:

(a) When the facility is located in a municipal corporation, the board may enter into an agreement for one or more of the incentives provided in division (C) of section 5709.62 of the Revised Code, subject to division (D) of that section;

(b) When the facility is located in an unincorporated area, the board may enter into an agreement for one or more of the following incentives:

(i) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to sixty per cent, of the assessed value of tangible personal property first used in business at a project site as a result of the agreement. If an exemption for inventory is specifically granted in the agreement pursuant to this division, the exemption applies to inventory required to be listed pursuant to sections 5711.15 and 5711.16 of the Revised Code, except, in the instance of an expansion or other situations in which an enterprise was in business at the facility prior to the establishment of the zone, the inventory that is exempt is that amount or value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year in which the agreement is entered into.

(ii) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to sixty per cent, of the increase in the assessed valuation of real property constituting the project site subsequent to formal approval of the agreement by the board;

(iii) Provision for a specified number of years, not to exceed fifteen, of any optional services or assistance the board is authorized to provide with regard to the project site;

(iv) The incentive described in division (C)(2) of section 5709.62 of the Revised Code.

(2) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has ceased operation or has announced its intention to cease operation, in return for exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to one hundred per cent, of tangible personal property used in business at the project site as a result of the agreement, or of real property constituting the project site, or both;

(3) Enter into an agreement with an enterprise that either is the owner of real property constituting the site of a megaproject or is a megaproject supplier in return for an exemption for a specified number of years, not to exceed thirty, of a specified portion, up to one hundred per cent, of the

increase in the assessed value of real property constituting the site of a megaproject or real property owned and occupied by the megaproject supplier, respectively, beginning after the tax year in which the agreement is formally approved by the legislative authority.

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of this section, the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions may exceed sixty per cent in any year for which that portion is exempted if the average percentage exempted for all years in which the agreement is in effect does not exceed fifty per cent, or if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a percentage in excess of sixty per cent.

(b) Notwithstanding any provision of the Revised Code to the contrary, the exemptions described in divisions (B)(1)(b)(i), (ii), (iii), and (iv) and (B)(2) of this section may be for up to fifteen years and the exemption described in division (B)(3) of this section may be for up to thirty years if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a number of years in excess of ten.

(c) For the purpose of obtaining the approval of a city, local, or exempted village school district under division (C)(1)(a) or (b) of this section, the board of county commissioners shall deliver to the board of education a notice not later than forty-five days prior to approving the agreement, excluding Saturdays, Sundays, and legal holidays as defined in section 1.14 of the Revised Code. The notice shall state the percentage to be exempted, an estimate of the true value of the property to be exempted, and the number of years the property is to be exempted. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the board of county commissioners not later than fourteen days prior to the date stipulated by the board of county commissioners as the date upon which approval of the agreement is to be formally considered by the board of county commissioners. The board of education may include in the resolution conditions under which the board would approve the agreement, including the execution of an agreement to compensate the school district under division (B) of section 5709.82 of the Revised Code. The board of county commissioners may approve the agreement at any time after the board of education certifies its resolution approving the agreement to the board of county commissioners, or, if the board of education approves the agreement conditionally, at any time after the conditions are agreed to by the board of education and the board of county commissioners. If an agreement is negotiated between the legislative authority and the board to compensate the

school district for all or part of the taxes exempted, the legislative authority shall compensate the joint vocational school district within which the property is located at the same rate and under the same terms received by the city, local, or exempted village school district.

If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board of education is not required under division (C) of this section. If a board of education has adopted a resolution allowing a board of county commissioners to deliver the notice required under this division fewer than forty-five business days prior to approval of the agreement by the board of county commissioners, the board of county commissioners shall deliver the notice to the board of education not later than the number of days prior to such approval as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board of education shall certify a copy of the resolution to the board of county commissioners. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the board of county commissioners.

(2) The board of county commissioners shall comply with section 5709.83 of the Revised Code unless the board of education has adopted a resolution under that section waiving its right to receive such notice.

(D) This division applies to zones certified by the director of development services under this section prior to July 22, 1994.

With the consent of the legislative authority of each affected municipal corporation or board of township trustees of each affected township, the board of county commissioners that designated a zone to which this division applies may enter into an agreement with an enterprise if the board finds that the enterprise satisfies one of the criteria described in divisions (D)(1) to (5) of this section:

(1) The enterprise currently has no operations in this state and, subject to approval of the agreement, intends to establish operations in the zone;

(2) The enterprise currently has operations in this state and, subject to approval of the agreement, intends to establish operations at a new location in the zone that would not result in a reduction in the number of employee positions at any of the enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in another state, to the zone;

(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development services has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

The agreement shall require the enterprise to agree to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the incentives described in division (B) of this section.

(E) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement under this section is entered into, if the board of county commissioners revokes its designation of a zone, or if the director of development services revokes a zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(F) Except as otherwise provided in this division, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the board of county commissioners once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the board and shall be used by the board exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The board may waive or reduce the amount of the fee charged against an enterprise, but such waiver or reduction does not affect the obligations of the board or the tax incentive review council to comply with section 5709.68 or 5709.85 of the Revised Code, respectively.

(G) With the approval of the legislative authority of a municipal corporation or the board of township trustees of a township in which a zone is designated under division (A) of this section, the board of county commissioners may delegate to that legislative authority or board any powers and duties of the board of county commissioners to negotiate and administer agreements with regard to that zone under this section.

(H) When an agreement is entered into pursuant to this section, the board of county commissioners authorizing the agreement or the legislative authority or board of township trustees that negotiates and administers the agreement shall forward a copy of the agreement to the director of development services and to the tax commissioner within fifteen days after

the agreement is entered into. If any agreement includes terms not provided for in section 5709.631 of the Revised Code affecting the revenue of a city, local, exempted village, or joint vocational school district or causing revenue to be foregone by the district, including any compensation to be paid to the school district pursuant to section 5709.82 of the Revised Code, those terms also shall be forwarded in writing to the director of development services along with the copy of the agreement forwarded under this division.

(I) After an agreement is entered into, the enterprise shall file with each personal property tax return required to be filed, or annual report that is required to be filed under section 5727.08 of the Revised Code, while the agreement is in effect, an informational return, on a form prescribed by the tax commissioner for that purpose, setting forth separately the property, and related costs and values, exempted from taxation under the agreement.

(J) Enterprises may agree to give preference to residents of the zone within which the agreement applies relative to residents of this state who do not reside in the zone when hiring new employees under the agreement.

(K) An agreement entered into under this section may include a provision requiring the enterprise to create one or more temporary internship positions for students enrolled in a course of study at a school or other educational institution in the vicinity, and to create a scholarship or provide another form of educational financial assistance for students holding such a position in exchange for the student's commitment to work for the enterprise at the completion of the internship.

(L) The tax commissioner's authority in determining the accuracy of any exemption granted by an agreement entered into under this section is limited to divisions (B)(1)(b)(i) and (ii), (B)(2) and (3), (C), and (I) of this section, division (B)(1)(b)(iv) of this section as it pertains to divisions (C)(2) (a), (b), and (c) of section 5709.62 of the Revised Code, and divisions (B)(1) to (10) of section 5709.631 of the Revised Code and, as authorized by law, to enforcing any modification to, or revocation of, that agreement by the board of county commissioners or the director of development services or, if the board's powers and duties are delegated under division (G) of this section, by the legislative authority of a municipal corporation or board of township trustees.

Sec. 5709.631. Each agreement entered into under sections 5709.62, 5709.63, and 5709.632 of the Revised Code on or after April 1, 1994, shall be in writing and shall include all of the information and statements prescribed by this section. Agreements may include terms not prescribed by this section, but such terms shall in no way derogate from the information and statements prescribed by this section.

(A) Each agreement shall include the following information:

(1) The names of all parties to the agreement;

(2) A description of the investments to be made by the applicant enterprise or by another party at the facility whether or not the investments are exempted from taxation, including existing or new building size and cost thereof; the value of machinery, equipment, furniture, and fixtures, including an itemization of the value of machinery, equipment, furniture, and fixtures used at another location in this state prior to the agreement and relocated or to be relocated from that location to the facility and the value of machinery, equipment, furniture, and fixtures at the facility prior to the execution of the agreement that will not be exempted from taxation; the value of inventory at the facility, including an itemization of the value of inventory held at another location in this state prior to the agreement and relocated or to be relocated from that location to the facility, and the value of inventory held at the facility prior to the execution of the agreement that will not be exempted from taxation;

(3) The scheduled starting and completion dates of investments made in building, machinery, equipment, furniture, fixtures, and inventory;

(4) Estimates of the number of employee positions to be created each year of the agreement and of the number of employee positions retained by the applicant enterprise due to the project, itemized as to the number of full-time, part-time, permanent, and temporary positions;

(5) Estimates of the dollar amount of payroll attributable to the positions set forth in division (A)(4) of this section, similarly itemized;

(6) The number of employee positions, if any, at the project site and at any other location in the state at the time the agreement is executed, itemized as to the number of full-time, part-time, permanent, and temporary positions.

(B) Each agreement shall set forth the following information and incorporate the following statements:

(1) A description of real property to be exempted from taxation under the agreement, the percentage of the assessed valuation of the real property exempted from taxation, and the period for which the exemption is granted, accompanied by the statement: "The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after (insert date) nor extend beyond (insert date)." The tax commissioner shall adopt rules prescribing the form the description of such property shall assume to ensure that the property to be exempted from taxation under the agreement is distinguishable from property that is not to be exempted under that agreement.

(2) A description of tangible personal property to be exempted from taxation under the agreement, the percentage of the assessed value of the tangible personal property exempted from taxation, and the period for which

the exemption is granted, accompanied by the statement: "The minimum investment for tangible personal property to qualify for the exemption is \$..... (insert dollar amount) to purchase machinery and equipment first used in business at the facility as a result of the project, \$..... (insert dollar amount) for furniture and fixtures and other noninventory personal property first used in business at the facility as a result of the project, and \$..... (insert dollar amount) for new inventory. The maximum investment for tangible personal property to qualify for the exemption is \$..... (insert dollar amount) to purchase machinery and equipment first used in business at the facility as a result of the project, \$..... (insert dollar amount) for furniture and fixtures and other noninventory personal property first used in business at the facility as a result of the project, and \$..... (insert dollar amount) for new inventory. The exemption commences the first year for which the tangible personal property would first be taxable were that property not exempted from taxation. No exemption shall commence after tax return year (insert year) nor extend beyond tax return year (insert year). In no instance shall any tangible personal property be exempted from taxation for more than ten return years unless, under division (D)(2) of section 5709.62 or under division (C)(1)(b) of section 5709.63 of the Revised Code, the board of education approves exemption for a number of years in excess of ten, in which case the tangible personal property may be exempted from taxation for that number of years, not to exceed fifteen return years." No exemption shall be allowed for any type of tangible personal property if the total investment is less than the minimum dollar amount specified for that type of property. If, for a type of tangible personal property, there are no minimum or maximum investment dollar amounts specified in the statement or the dollar amounts are designated in the statement as not applicable, the exemption shall apply to the total cost of that type of tangible personal property first used in business at the facility as a result of the project. The tax commissioner shall adopt rules prescribing the form the description of such property shall assume to ensure that the property to be exempted from taxation under the agreement is distinguishable from property that is not to be exempted under that agreement.

(3) "..... (insert name of enterprise) shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If (insert name of enterprise) fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter."

(4) "..... (insert name of enterprise) hereby certifies that at the time this agreement is executed, (insert name of enterprise) does not owe any delinquent real or tangible personal property taxes to any taxing

authority of the State of Ohio, and does not owe delinquent taxes for which (insert name of enterprise) is liable under Chapter 5727., 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, (insert name of enterprise) currently is paying the delinquent taxes pursuant to a delinquent tax contract enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against (insert name of enterprise). For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes."

(5) "..... (insert name of municipal corporation or county) shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions."

(6) "If for any reason the enterprise zone designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or (insert name of municipal corporation or county) revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless (insert name of enterprise) materially fails to fulfill its obligations under this agreement and (insert name of municipal corporation or county) terminates or modifies the exemptions from taxation granted under this agreement."

(7) "If (insert name of enterprise) materially fails to fulfill its obligations under this agreement, other than with respect to the number of employee positions estimated to be created or retained under this agreement, or if (insert name of municipal corporation or county) determines that the certification as to delinquent taxes required by this agreement is fraudulent, (insert name of municipal corporation or county) may terminate or modify the exemptions from taxation granted under this agreement."

(8) "..... (insert name of enterprise) shall provide to the proper tax incentive review council any information reasonably required by the council to evaluate the enterprise's compliance with the agreement, including returns or annual reports filed pursuant to section 5711.02 or 5727.08 of the Ohio Revised Code if requested by the council."

(9) "..... (insert name of enterprise) and (insert name of municipal corporation or county) acknowledge that this agreement must be approved by formal action of the legislative authority of (insert name

of municipal corporation or county) as a condition for the agreement to take effect. This agreement takes effect upon such approval."

(10) "This agreement is not transferable or assignable without the express, written approval of (insert name of municipal corporation or county)."

(11) "Exemptions from taxation granted under this agreement shall be revoked if it is determined that (insert name of enterprise), any successor enterprise, or any related member (as those terms are defined in section 5709.61 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under division (E) of section 3735.671 or section 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections."

(12) "In any three-year period during which this agreement is in effect, if the actual number of employee positions created or retained by (insert name of enterprise) is not equal to or greater than seventy-five per cent of the number of employee positions estimated to be created or retained under this agreement during that three-year period, (insert name of enterprise) shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the (insert name of municipal corporation or county) may terminate or modify the exemptions from taxation granted under this agreement."

(13) If the enterprise is the owner of real property constituting the site of a megaproject or is a megaproject supplier, both of the following:

(a) A requirement that the enterprise annually certify to the legislative authority whether the megaproject operator or megaproject supplier, as applicable, holds a certificate issued under division (D)(7) of section 122.17 of the Revised Code on the first day of the current tax year;

(b) A provision authorizing the legislative authority to terminate the exemption for current and subsequent tax years if the megaproject operator or megaproject supplier, as applicable, does not hold a certificate issued under division (D)(7) of section 122.17 of the Revised Code on the first day of the current tax year.

The statement described in division (B)(7) of this section may include the following statement, appended at the end of the statement: "and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement." If the agreement includes a statement requiring repayment of exempted taxes, it also may authorize the legislative authority to secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien on exempted real property shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real

property, and shall otherwise have the same force and effect as a mortgage lien on real property. Notwithstanding section 5719.01 of the Revised Code, such a lien on exempted tangible personal property shall attach, and may be perfected, collected, and enforced, in the same manner as a security interest in goods under Chapter 1309. of the Revised Code, and shall otherwise have the same force and effect as such a security interest.

(C) If the director of development had to issue a waiver under section 5709.633 of the Revised Code as a condition for the agreement to be executed, the agreement shall include the following statement:

"Continuation of this agreement is subject to the validity of the circumstance upon which (insert name of enterprise) applied for, and the Director of the Ohio Department of Development issued, the waiver pursuant to section 5709.633 of the Ohio Revised Code. If, after formal approval of this agreement by (insert name of municipal corporation or county), the Director or (insert name of municipal corporation or county) discovers that such a circumstance did not exist, (insert name of enterprise) shall be deemed to have materially failed to comply with this agreement."

If the director issued a waiver on the basis of the circumstance described in division (B)(3) of section 5709.633 of the Ohio Revised Code, the conditions enumerated in divisions (B)(3)(a)(i) and (ii) or divisions (B)(3)(b)(i) and (ii) of that section shall be incorporated in the information described in divisions (A)(2), (3), and (4) of this section.

Sec. 5709.632. (A)(1) The legislative authority of a municipal corporation defined by the United States office of management and budget as a principal city of a metropolitan statistical area may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in the municipal corporation as a proposed enterprise zone.

(2) With the consent of the legislative authority of each affected municipal corporation or of a board of township trustees, a board of county commissioners may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in one or more municipal corporations or in unincorporated areas of the county as proposed urban jobs and enterprise zones, except that a board of county commissioners may designate no more than one area within a township, or within adjacent townships, as a proposed urban jobs and enterprise zone.

(3) The legislative authority or board of county commissioners may petition the director of development services for certification of the area as having the characteristics set forth in division (A)(3) of section 5709.61 of the Revised Code. Within sixty days after receiving such a petition, the director shall determine whether the area has the characteristics set forth in that division and forward the findings to the legislative authority or board of

county commissioners. If the director certifies the area as having those characteristics and thereby certifies it as a zone, the legislative authority or board may enter into agreements with enterprises under division (B) of this section. Any enterprise wishing to enter into an agreement with a legislative authority or board of county commissioners under this section and satisfying one of the criteria described in divisions (B)(1) to (5) of this section shall submit a proposal to the legislative authority or board on the form prescribed under division (B) of section 5709.62 of the Revised Code and shall review and update the estimates and listings required by the form in the manner required under that division. The legislative authority or board may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(B) Prior to entering into an agreement with an enterprise, the legislative authority or board of county commissioners shall determine whether the enterprise submitting the proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and to improve the economic climate of the municipal corporation or municipal corporations or the unincorporated areas in which the zone is located and to which the proposal applies, and whether the enterprise satisfies one of the following criteria:

(1) The enterprise currently has no operations in this state and, subject to approval of the agreement, intends to establish operations in the zone;

(2) The enterprise currently has operations in this state and, subject to approval of the agreement, intends to establish operations at a new location in the zone that would not result in a reduction in the number of employee positions at any of the enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in another state, to the zone;

(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development services has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

(C) If the legislative authority or board determines that the enterprise is so qualified and satisfies one of the criteria described in divisions (B)(1) to (5) of this section, the legislative authority or board may, after complying with section 5709.83 of the Revised Code and, in the case of a board of

commissioners, with the consent of the legislative authority of each affected municipal corporation or of the board of township trustees, enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for the following incentives:

(1) When the facility is located in a municipal corporation, a legislative authority or board of commissioners may enter into an agreement for one or more of the incentives provided in ~~division (C)~~ divisions (C)(1), (2), and (3) of section 5709.62 of the Revised Code, subject to division (D) of that section, or for the incentive provided in division (C)(4) of that section if the enterprise is the owner of real property constituting the site of a megaproject or is a megaproject supplier;

(2) When the facility is located in an unincorporated area, a board of commissioners may enter into an agreement for one or more of the incentives provided in divisions (B)(1)(b); ~~and (B)(2), and (B)(3)~~ of section 5709.63 of the Revised Code, subject to division (C) of that section, or for the incentive provided in division (B)(3) of that section if the enterprise is the owner of real property constituting the site of a megaproject or is a megaproject supplier.

(D) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement under this section is entered into, if the legislative authority or board of county commissioners revokes its designation of the zone, or if the director of development services revokes the zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(E) Except as otherwise provided in this division, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority or board of commissioners once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority or board and shall be used by the legislative authority or board exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority or board may waive or reduce the amount of the fee charged against an enterprise, but such waiver or reduction does not affect

the obligations of the legislative authority or board or the tax incentive review council to comply with section 5709.68 or 5709.85 of the Revised Code, respectively.

(F) With the approval of the legislative authority of a municipal corporation or the board of township trustees of a township in which a zone is designated under division (A)(2) of this section, the board of county commissioners may delegate to that legislative authority or board any powers and duties of the board to negotiate and administer agreements with regard to that zone under this section.

(G) When an agreement is entered into pursuant to this section, the legislative authority or board of commissioners authorizing the agreement shall forward a copy of the agreement to the director of development services and to the tax commissioner within fifteen days after the agreement is entered into. If any agreement includes terms not provided for in section 5709.631 of the Revised Code affecting the revenue of a city, local, exempted village, or joint vocational school district or causing revenue to be forgone by the district, including any compensation to be paid to the school district pursuant to section 5709.82 of the Revised Code, those terms also shall be forwarded in writing to the director of development services along with the copy of the agreement forwarded under this division.

(H) After an agreement is entered into, the enterprise shall file with each personal property tax return required to be filed while the agreement is in effect, an informational return, on a form prescribed by the tax commissioner for that purpose, setting forth separately the property, and related costs and values, exempted from taxation under the agreement.

(I) An agreement entered into under this section may include a provision requiring the enterprise to create one or more temporary internship positions for students enrolled in a course of study at a school or other educational institution in the vicinity, and to create a scholarship or provide another form of educational financial assistance for students holding such a position in exchange for the student's commitment to work for the enterprise at the completion of the internship."

In line 79096, after "(oo)" insert "Except as otherwise provided in division (B) of section 5751.091 of the Revised Code, receipts of a megaproject supplier from sales of tangible personal property directly to a megaproject operator in this state, provided the supplier holds a certificate issued under section 5751.052 of the Revised Code for the calendar year in which the sales are made, and provided both the operator and supplier hold a certificate issued under division (D)(7) of section 122.17 of the Revised Code on the first day of that calendar year;

(pp)"

After line 79191, insert:

"(S) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code."

After line 79366, insert:

"Sec. 5751.052. (A) On or before the first day of October of each year, a megaproject operator or the operator's reporting person shall certify to the tax commissioner a list of megaproject suppliers the operator anticipates will sell tangible personal property directly to the operator in the ensuing calendar year. The list shall include the name, address, and federal identification number of each megaproject supplier. On or before the first day of the following November, the commissioner shall issue a certificate to the megaproject operator and to each megaproject supplier included in that list. The certificate shall include the name of the megaproject operator, the name of the megaproject supplier, and the certificate's issuance date."

(B) A megaproject operator or reporting person that certifies a list to the tax commissioner under division (A) of this section shall notify the commissioner of any change to that list, including additions to or subtractions from the list or changes in the name or entity type of any megaproject supplier included in the list, within sixty days after the date the operator becomes aware of the change. Within thirty days after receiving that notification, the commissioner shall issue a revised certificate to the megaproject operator and to each megaproject supplier included in the revised list. The revised certificate shall include the name of the megaproject operator, the name of the megaproject supplier, and the certificate's issuance date, which shall be the date the revision becomes effective."

(C) Each megaproject operator and megaproject supplier that is issued a certificate under division (A) or (B) of this section shall maintain a copy of the certificate for four years from the date the certificate is issued."

Sec. 5751.091. (A) If a taxpayer excludes from its taxable gross receipts amounts described under division (F)(2)(oo) of section 5751.01 of the Revised Code for a tax period in which the taxpayer does not qualify for that exclusion for any portion of that tax period, the taxpayer shall remit to the tax commissioner a payment equal to the product of the following: (a) the cost of all property received in this state by a megaproject operator from the taxpayer during that tax period, multiplied by (b) the tax rate prescribed in division (A) of section 5751.03 of the Revised Code. The charge shall be levied and collected as a tax imposed under this chapter."

(B) A taxpayer required to remit a payment under division (A) of this section for three consecutive calendar years may not exclude from the taxpayer's taxable gross receipts any amounts described in division (F)(2)(oo) of section 5751.01 of the Revised Code for any tax period in any following calendar year."

In line 80606, after "3734.901," insert "3735.65, 3735.67, 3735.671,"

In line 80637, after "5709.41," insert "5709.61, 5709.62, 5709.63, 5709.631, 5709.632,"

Delete lines 20425 through 20434

In line 53, after "3313.6114," insert "3313.64,"

In line 55 of the title, after "3313.979," insert "3313.98, 3313.981,"

In line 60 of the title, delete "3317.017," and insert "3315.18, 3317.013, 3317.014, 3317.016,"; after "3317.02," insert "3317.021,"

In line 61 of the title, after "3317.024," insert "3317.028,"; after "3317.0212," insert "3317.0213,"

In line 62 of the title, delete "3317.0215, 3317.0216, 3317.0217,"

In line 63 of the title, delete "3317.0218, 3317.0219,"

In line 65 of the title, delete "3317.163," and insert "3317.20, 3317.201,"; delete "3317.26,"

In line 66 of the title, after "3319.31," insert "3319.57,"; after "3319.99," insert "3324.05, 3324.09,"

In line 69 of the title, delete "3326.34," and insert "3326.32,"

In line 71 of the title, after "3328.24," insert "3328.32, 3328.34,"

In line 141 of the title, after the first "sections" insert "3317.017, 3317.0215, 3317.0217, 3317.0218,"; after "4303.233" insert a comma

In line 157 of the title, after "3313.905," insert "3314.089,"; after "3317.011," insert "3317.012, 3317.018, 3317.019, 3317.0110, 3317.026, 3317.071, 3317.072, 3317.11,"

Delete line 158 of the title

In line 160 of the title, after "3319.47," insert "3326.44,"

In line 181 of the title, after "3314.53," insert "3317.017,"; after "3317.029," insert "3317.0215, 3317.0216, 3317.0217, 3317.0218, 3317.0219, 3317.163, 3317.26,"

In line 182 of the title, after "3326.42," insert "3328.33,"

In line 273, after "3313.6114," insert "3313.64,"

In line 274, after "3313.979," insert "3313.98, 3313.981,"

In line 278, delete "3317.017," and insert "3315.18, 3317.013, 3317.014, 3317.016,"

In line 279, after "3317.02," insert "3317.021,"; after "3317.024," insert "3317.028,"; after "3317.0212," insert "3317.0213,"

In line 280, delete "3317.0215, 3317.0216, 3317.0217, 3317.0218, 3317.0219,"

In line 282, delete "3317.163," and insert "3317.20, 3317.201,";

delete "3317.26,"

In line 283, after "3319.31," insert "3319.57,"; after "3319.99," insert "3324.05, 3324.09,"

In line 285, delete "3326.34," and insert "3326.32,"

In line 286, after "3328.24," insert "3328.32, 3328.34,"

In line 337, after "sections" insert "3317.017, 3317.0215, 3317.0217, 3317.0218,"

In line 338, after "4303.233" insert a comma

In line 349, after "3313.905," insert "3314.089,"

In line 350, delete "3317.0220, 3317.0221, 3317.0222," and insert "3317.012, 3317.018, 3317.019, 3317.0110, 3317.026, 3317.071, 3317.072, 3317.11,"

In line 351, delete "3317.0223,"

In line 352, after "3319.47," insert "3326.44,"

In line 28432, strike through "(B)(4)" and insert "(B)(8)"

In line 28501, after "(4)" insert "For fiscal years 2022 and 2023, 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:

(5) For fiscal years 2022 and 2023, 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;

(6) For fiscal years 2022 and 2023, 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;

(7) For fiscal years 2022 and 2023, the average number of students riding on school buses routed to nonpublic schools in accordance with section 3327.01 of the Revised Code;

(8)"

Delete lines 29564 through 29701 and insert:

"Sec. 3302.20. (A) The department of education shall develop standards for determining, from the existing data reported in accordance with sections 3301.0714 and 3314.17 of the Revised Code, the amount of annual operating expenditures for classroom instructional purposes and for nonclassroom purposes for each city, exempted village, local, and joint vocational school district, each community school established under Chapter 3314. that is not an internet- or computer-based community school, each

internet- or computer-based community school, and each STEM school established under Chapter 3326. of the Revised Code. The department shall present those standards to the state board of education for consideration. In developing the standards, the department shall adapt existing standards used by professional organizations, research organizations, and other state governments. The department also shall align the expenditure categories required for reporting under the standards with the categories that are required for reporting to the United States department of education under federal law.

The state board shall consider the proposed standards and adopt a final set of standards not later than December 31, 2012. School districts, community schools, and STEM schools shall begin reporting data in accordance with the standards on June 30, 2013.

(B)(1) The department shall categorize all city, exempted village, and local school districts into not less than three nor more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each district under section 3302.03 of the Revised Code.

(2) The department shall categorize all joint vocational school districts into not less than three nor more than five groups based primarily on ~~formula~~ enrolled ADM as that term is defined in section 3317.02 of the Revised Code rounded to the nearest whole number.

(3) The department shall categorize all community schools that are not internet- or computer-based community schools into not less than three nor more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each community school under sections 3302.03 and 3314.012 of the Revised Code or, in the case of a school to which section 3314.017 of the Revised Code applies, on the total number of students reported under divisions ~~(B)(2)(a) and (b)~~ (B)(1) and (2) of section 3314.08 of the Revised Code.

(4) The department shall categorize all internet- or computer-based community schools into a single category.

(5) The department shall categorize all STEM schools into a single category.

(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, the following:

(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes;

(2) The statewide average percentage for all districts, community

schools, and STEM schools combined spent for classroom instructional purposes;

(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;

(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:

(a) From highest to lowest percentage spent for classroom instructional purposes;

(b) From lowest to highest percentage spent for noninstructional purposes.

(5) The total operating expenditures per pupil for each district, community school, and STEM school;

(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.

(D) In its display of rankings within each category under division (C) (4) of this section, the department shall make the following notations:

(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:

(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.

(2) Within each category of joint vocational school districts, the department shall denote each district that is:

(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code.

(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;

(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.

(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is:

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;

(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.

(5) Within the category of STEM schools, the department shall denote each school that is:

(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores.

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.

(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report card issued under section 3302.03 or 3314.017 of the Revised Code the respective information computed for the district or school under divisions (C)(1) and (4) of this section, the statewide information computed under division (C)(2) of this section, and the information computed for the district's or school's category under division (C)(3) of this section.

(F) As used in this section:

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(2) A school district's, community school's, or STEM school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code.

(3) "Expenditure per equivalent pupils" has the same meaning as in section 3302.26 of the Revised Code."

After line 33056, insert:

"Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:

(1)(a) Except as provided in division (A)(1)(b) of this section, "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. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(b) When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, "parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent

custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

(6) A child is placed for adoption if either of the following occurs:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.

(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.

(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.

(8) "Child," unless otherwise indicated, includes preschool children with disabilities.

(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.

(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.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(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:

(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.

(b) The child resides in a home.

(c) The child requires special education.

(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:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state,

tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education has determined, pursuant to division (A)(2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(4) Division (C)(4) of this section applies to any child who is admitted to a school district under division (B)(2) of this section, resides in a home that is not a foster home, a home maintained by the department of youth services, a detention facility established under section 2152.41 of the Revised Code, or a juvenile facility established under section 2151.65 of the Revised Code, and receives educational services at the home or facility in which the child resides pursuant to a contract between the home or facility and the school district providing those services.

If a child to whom division (C)(4) of this section applies is a special education student, a district may choose whether to receive a tuition payment for that child under division (C)(4) of this section or to receive a payment for that child under section 3323.14 of the Revised Code. If a district chooses to receive a payment for that child under section 3323.14 of the Revised Code, it shall not receive a tuition payment for that child under division (C)(4) of this section.

If a child to whom division (C)(4) of this section applies is not a special education student, a district shall receive a tuition payment for that child under division (C)(4) of this section.

In the case of a child to which division (C)(4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of education, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the school district providing the educational services and, if different, the school district that is responsible to pay tuition for the child. The department shall deduct the

certified amount from the state basic aid funds payable under Chapter 3317. of the Revised Code to the district responsible to pay tuition and shall pay that amount to the district providing the educational services to the child.

(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.

(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside.

(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require.

(4) Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the

district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

(a) That the parent is serving outside of the state in the armed services of the United States;

(b) That the parent intends to reside in the district upon returning to this state;

(c) The name and address of the person with whom the child is living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

The district superintendent shall establish a period of time not to

exceed ninety days during which the child entitled to attend school under division (F)(6) or (7) of this section may attend without tuition obligation. A student attending a school under division (F)(6) or (7) of this section shall be eligible to participate in interscholastic athletics under the auspices of that school, provided the board of education of the school district where the student's parent resides, by a formal action, releases the student to participate in interscholastic athletics at the school where the student is attending, and provided the student receives any authorization required by a public agency or private organization of which the school district is a member exercising authority over interscholastic sports.

(8) A child whose parent is a full-time employee of a city, local, or exempted village school district, or of an educational service center, may be admitted to the schools of the district where the child's parent is employed, or in the case of a child whose parent is employed by an educational service center, in the district that serves the location where the parent's job is primarily located, provided the district board of education establishes such an admission policy by resolution adopted by a majority of its members. Any such policy shall take effect on the first day of the school year and the effective date of any amendment or repeal may not be prior to the first day of the subsequent school year. The policy shall be uniformly applied to all such children and shall provide for the admission of any such child upon request of the parent. No child may be admitted under this policy after the first day of classes of any school year.

(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in the district in which the child is with the child's parent, and no other school district shall be required to pay tuition for the child's attendance in that school district.

The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Revised Code or any other records required for enrollment. Any days of attendance and any credits earned by a child while enrolled in a school district under this division shall be transferred to and accepted by any school district in which the child subsequently enrolls. The state board of education shall adopt rules to ensure compliance with this division.

(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student

may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F)(11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(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 homeless child.

When a child loses permanent housing and becomes a homeless person, as defined in 42 U.S.C.A. 11481(5), or when a child who is such a homeless person changes temporary living arrangements, the child's parent or guardian shall have the option of enrolling the child in either of the following:

(a) The child's school of origin, as defined in 42 U.S.C.A. 11432(g)(3)(C);

(b) The school that is operated by the school district in which the shelter where the child currently resides is located and that serves the geographic area in which the shelter is located.

(14) A child under the age of twenty-two years who resides with a person other than the child's parent is entitled to attend school in the school district in which that person resides if both of the following apply:

(a) That person has been appointed, through a military power of attorney executed under section 574(a) of the "National Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, or through a comparable document necessary to complete a family care plan, as the parent's agent for the care, custody, and control of the child while the parent is on active duty as a member of the national guard or a reserve unit of the armed forces of the United States or because the parent is a member of the armed forces of the United States and is on a duty assignment away from the parent's residence.

(b) The military power of attorney or comparable document includes at least the authority to enroll the child in school.

The entitlement to attend school in the district in which the parent's agent under the military power of attorney or comparable document resides applies until the end of the school year in which the military power of attorney or comparable document expires.

(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:

(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division ~~(H)~~ (E) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (C) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (C) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(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.

(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."

In line 33571, delete "(A)(17)(a)" and insert "(A)(11)(a)"

In line 33580, delete "(A)(17)(a)" and insert "(A)(11)(a)"

In line 33589, delete "(A)(17)(a)" and insert "(A)(11)(a)"

After line 33912, insert:

"Sec. 3313.98. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section and sections 3313.981 to 3313.983 of the Revised Code that apply to a city school district do not apply to a joint vocational or cooperative education school district unless expressly specified.

(A) As used in this section and sections 3313.981 to 3313.983 of the Revised Code:

(1) "Parent" means either of the natural or adoptive parents of a student, except under the following conditions:

(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, "parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree.

(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive

parents of the student, "parent" means the legal custodian of the child.

(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student.

(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.

(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.

(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district.

(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student and does contain the territory of the city, exempted village, or local district in which the student enrolls.

~~(6) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.~~

~~(7)~~ "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the secretary of health and human services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.

~~(8)(7)~~ "IEP" has the same meaning as in section 3323.01 of the Revised Code.

~~(9)(8)~~ "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section.

~~(10)(9)~~ "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district.

~~(11)(10)~~ "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.

(B)(1) The board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies:

(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code;

(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution;

(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution.

(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of the following:

(a) Application procedures, including deadlines for application and for notification of students and the superintendent of the applicable district whenever an adjacent or other district student's application is approved.

(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:

(i) The establishment of district capacity limits by grade level, school building, and education program;

(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;

(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.

(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:

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;

(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;

(3) A requirement that the student be proficient in the English language;

(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.

(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. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section 3313.981 of the Revised Code.

(G) The state board of education shall monitor school districts to ensure compliance with this section and the districts' policies. The board may adopt rules requiring uniform application procedures, deadlines for application, notification procedures, and record-keeping requirements for all school boards that adopt policies permitting the enrollment of adjacent or other district students, as applicable. If the state board adopts such rules, no school board shall adopt a policy that conflicts with those rules.

(H) A resolution adopted by a board of education under this section that entirely prohibits the enrollment of students from adjacent and from other school districts does not abrogate any agreement entered into under section 3313.841 or 3313.92 of the Revised Code or any contract entered into under section 3313.90 of the Revised Code between the board of education

adopting the resolution and the board of education of any adjacent or other district or prohibit these boards of education from entering into any such agreement or contract.

(I) Nothing in this section shall be construed to permit or require the board of education of a city, exempted village, or local school district to exclude any native student of the district from enrolling in the district.

Sec. 3313.981. (A) The state board of education shall adopt rules requiring all of the following:

(1) The board of education of each city, exempted village, and local school district to annually report to the department of education all of the following:

(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;

(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;

(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;

(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;

(e) Each native student's date of enrollment in an adjacent or other district.

(2) The board of education of each joint vocational school district to annually report to the department all of the following:

(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district;

(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 section 3317.014 of the Revised Code;

(c) For each adjacent district or other district joint vocational student, the city, exempted village, or local school district in which the student is also

enrolled.

(3) Prior to the end of each reporting period specified in section 3317.03 of the Revised Code, the superintendent of each city, local, or exempted village school district that admits adjacent district or other district students who are in grades kindergarten through twelve, adjacent district or other district students who are preschool children with disabilities, or adjacent district or other district joint vocational students in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code to report to the department of education each adjacent or other district's students and where those students who are enrolled in the superintendent's district under the policy are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

The rules shall provide for the method of counting students who are enrolled for part of a school year in an adjacent or other district or as an adjacent district or other district joint vocational student.

(B) From the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code and, if necessary, from the payments made to the district under sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract all of the following:

(1) An amount equal to the number of the district's native students in grades kindergarten through twelve reported under division (A)(1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section 3313.98 of the Revised Code multiplied by the formula amount;

~~(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;~~

~~(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;~~

~~(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.~~

(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:

~~(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;~~

(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;

(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;

~~(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;~~

~~(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.

~~(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:~~

(1) The formula amount;

(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.

(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:

(a) Subtract the formula amount from the actual costs to educate the student;

(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.

(2) The board shall report the excess costs computed under this division to the department of education.

(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.

(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.

~~(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.

~~(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 nonhandicapped student only at a regular school bus stop designated in accordance with the board's transportation policy. Pursuant to rules of the state board of education, such board may reimburse the parent from funds received for pupil transportation under section 3317.0212 of the Revised Code, or other provisions of law, for the reasonable cost of transportation from the student's home to the designated school bus stop if the student's family has an income below the federal poverty line."

In line 35784, after "(A)" insert "(1)"; strike through "(E)" and insert "(5)"

In line 35790, after "(A)" insert "(1)"; strike through "(E)" and insert "(5)"

In line 35906, reinsert "catastrophic"

In line 35914, reinsert "catastrophic"

In line 35923, delete "divisions (A)(8) and (11)" and insert "division (A)(7)"

In line 35932, delete "divisions (A)(8)" and insert "division (A)(7)"

In line 35933, delete "and (11)"

In line 35938, delete "divisions (A)(8) and (11)" and insert "division (A)(7)"

In line 35953, delete "(A)(5)" and insert "(A)(4)"

After line 35985, insert:

"(6) For fiscal years 2022 and 2023, a community school shall spend the funds it receives under division (A)(5) of section 3317.022 of the Revised Code only for services for English learners."

In line 36256, after "(A)" insert "(1)"; strike through "(B)" and insert "(2)"; strike through "(C)" and insert "(3)"; strike through "(D)" and insert "(4)"

In line 36257, strike through "(E)" and insert "(5)"

After line 36289, insert:

"Sec. 3314.089. (A) In any fiscal year, a community school receiving funds calculated under division (A)(8) of section 3317.022 of the Revised Code 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 to report data annually so that the department may monitor the school's compliance with the requirements regarding the manner in which funding received under division (A)(8) of section 3317.022 of the Revised Code may be spent.

(B) Except as provided in division (C) of this section, all funds received under division (A)(8) of section 3317.022 of the Revised Code 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.

(C) The department may waive the requirements in division (B) 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.

(D) 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:

(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.

The department may deny payment under division (E) of section 3317.014 of the Revised Code 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."

Delete lines 36808 through 38329 and insert:

"Sec. 3315.18. (A) The board of education of each city, exempted village, local, and joint vocational school district shall establish a capital and maintenance fund. Each board annually shall deposit into that fund an amount derived from revenues received by the district that would otherwise have been deposited in the general fund that is equal to three per cent of the ~~formula amount~~ statewide average base cost per pupil for the preceding fiscal year, as defined in section 3317.02 of the Revised Code, or another percentage if established by the auditor of state under division (B) of this section, multiplied by the district's student population for the preceding fiscal year, except that money received from a permanent improvement levy authorized by section 5705.21 of the Revised Code may replace general revenue moneys in meeting the requirements of this section. Money in the fund shall be used solely for acquisition, replacement, enhancement, maintenance, or repair of permanent improvements, as that term is defined in section 5705.01 of the Revised Code. Any money in the fund that is not used in any fiscal year shall carry forward to the next fiscal year.

(B) The state superintendent of public instruction and the auditor of state jointly shall adopt rules in accordance with Chapter 119. of the Revised Code defining what constitutes expenditures permitted by division (A) of this section. The auditor of state may designate a percentage, other than three per cent, of the ~~formula amount~~ statewide average base cost per pupil multiplied

by the district's student population that must be deposited into the fund.

(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;

(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. This section shall apply only for fiscal years 2022 and 2023.

(A) As used in this section:

(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.

(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.

(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.

(4) "Average counselor salary" means the average salary of

counselors employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than \$95,000 for the most recent fiscal year for which data is available, as determined by the department.

(5) "Average education management information system support employee salary" means the average salary of accounting employees employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than \$90,000 for the most recent fiscal year for which data is available, as determined by the department.

(6) "Average librarian and media staff salary" means the average salary of librarians and media staff employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than \$95,000 for the most recent fiscal year for which data is available, as determined by the department.

(7) "Average other district administrator salary" means the average salary of all assistant superintendents and directors employed by city, local, and exempted village school districts in this state with salaries greater than \$50,000 but less than \$135,000 for the most recent fiscal year for which data is available, as determined by the department.

(8) "Average principal salary" means the average salary of all principals employed by city, local, and exempted village school districts in this state with salaries greater than \$50,000 but less than \$120,000 for the most recent fiscal year for which data is available, as determined by the department.

(9) "Average superintendent salary" means the average salary of all superintendents employed by city, local, and exempted village school districts in this state with salaries greater than \$60,000 but less than \$180,000 for the most recent fiscal year for which data is available, as determined by the department.

(10) "Average teacher cost" for a fiscal year is equal to the sum of the following:

(a) The average salary of teachers employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than \$95,000 for the most recent fiscal year for which data is available, as determined by the department;

(b) An amount for teacher benefits equal to 0.16 times the average salary calculated under division (A)(10)(a) of this section;

(c) An amount for district-paid insurance costs equal to the following product:

The statewide weighted average employer-paid monthly premium based on data reported by city, local, and exempted village school districts to

the state employment relations board for the health insurance survey conducted in accordance with divisions (K)(5) and (6) of section 4117.02 of the Revised Code for the most recent fiscal year for which data is available X 12

(11) "Eligible school district" means a city, local, or exempted village school district that satisfies one of the following:

(a) The district is a member of an organization that regulates interscholastic athletics.

(b) The district has teams in at least three different sports that participate in an interscholastic league.

(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2018 for all of the following:

(1) The average salaries determined under divisions (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this section;

(2) The amount for teacher benefits determined under division (A)(10)(b) of this section;

(3) The district-paid insurance costs determined under division (A)(10)(c) of this section;

(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;

(5) The information determined under division (G)(3) of this section.

(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum:

(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)

(D) The department of education shall compute a district's teacher base cost for a fiscal year as follows:

(1) Calculate the district's classroom teacher cost for that fiscal year as follows:

(a) Determine the full-time equivalency of students in the district's

base cost enrolled ADM for that fiscal year that are enrolled in kindergarten and divide that number by 20;

(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;

(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;

(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;

(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;

(f) Compute the sum of the quotients obtained under divisions (D)(1) (a), (b), (c), (d), and (e) of this section;

(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.

(2) Calculate the district's special teacher cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(b) If the quotient obtained under division (D)(2)(a) of this section is greater than 6, the special teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.

(c) If the quotient obtained under division (D)(2)(a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the

following formula:

[The sum computed under division (D)(1)(f) 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

(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:

[The sum computed under division (D)(1)(f) 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 this section for that fiscal year)/180] X 4

(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.

(E) The department shall compute a district's student support base cost for a fiscal year as follows:

(1) Calculate the district's guidance counselor cost for that fiscal year as follows:

(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;

(b) Compute the counselor cost in accordance with the following formula:

(The greater of the quotient obtained under division (E)(1)(a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;

(b) Compute the librarian and media staff cost in accordance with the following formula:

The quotient obtained under division (E)(2)(a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;

(b) Compute the staffing cost for student wellness and success in

accordance with the following formula:

(The greater of the quotient obtained under division (E)(3)(a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows:

(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department for the most recent fiscal year for which data is available;

(b) Determine the sum of the enrolled ADM of every school district in the state for the most recent fiscal year for which the data specified under division (E)(4)(a) of this section is available;

(c) Compute the academic co-curricular activities cost in accordance with the following formula:

(The amount determined under division (E)(4)(a) of this section / the sum determined under division (E)(4)(b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is computed

(5) Calculate the district's building safety and security cost for that fiscal year as follows:

(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department for the most recent fiscal year for which data is available;

(b) Determine the sum of the enrolled ADM of every school district in the state that reported the data specified under division (E)(5)(a) of this section for the most recent fiscal year for which the data is available;

(c) Compute the building safety and security cost in accordance with the following formula:

(The amount determined under division (E)(5)(a) of this section / the sum determined under division (E)(5)(a) of this section) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed

(6) Calculate the district's supplies and academic content cost for that fiscal year as follows:

(a) Determine the total amount of spending for supplies and academic content, excluding supplies for transportation and maintenance, reported by city, local, and exempted village school districts to the department for the most recent fiscal year for which data is available;

(b) Determine the sum of the enrolled ADM of every school district in the state for the most recent fiscal year for which the data specified under division (E)(6)(a) of this section is available;

(c) Compute the supplies and academic content cost in accordance with the following formula:

(The amount determined under division (E)(6)(a) of this section / the sum determined under division (E)(6)(b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:

\$37.50 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's student support base cost for that fiscal year, which equals the sum of divisions (E)(1), (2), (3), (4), (5), (6), and (7) of this section.

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows:

(1) Calculate the district's superintendent cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [(\$160,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year].

(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 superintendent cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16))/3500];

(ii) (\$80,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to [(\$80,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year].

(2) Calculate the district's treasurer cost for that fiscal year as follows:

(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 this section for that fiscal year].

(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:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\}$;

(ii) $(\$60,000 \times 1.16)$ + the amount specified under division (A)(10)(c) of this section for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to $(\$60,000 \times 1.16)$ + the amount specified under division (A)(10)(c) of this section for that fiscal year].

(3) Calculate the district's other district administrator cost for that fiscal year as follows:

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750;

(c) Compute the other district administrator cost in accordance with the following formula:

$\{[(\text{The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section} - \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}) \times \text{the quotient obtained under division (F)(3)(a) of this section}] + \text{the amount specified under division (A)(10)(c) of this section}\} \times \text{(the greater of the quotient obtained under division (F)(3)(b) of this section and 2)}$

(4) Calculate the district's fiscal support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;

(b) Determine the lesser of the following:

(i) The maximum of the quotient obtained under division (F)(4)(a) of this section and 2;

(ii) 35.

(c) Compute the fiscal support cost in accordance with the following formula:

The number obtained under division (F)(4)(b) of this section X $[(\text{the average bookkeeping and accounting employee salary for that fiscal year} \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]$

(5) Calculate the district's education management information system

support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;

(b) Compute the education management information system support cost in accordance with the following formula:

(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]

(6) Calculate the district's leadership support cost for that fiscal year as follows:

(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2, and add 1 to that number;

(b) Divide the number obtained under division (F)(6)(a) of this section by 3;

(c) Compute the leadership support cost in accordance with the following formula:

(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]

(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:

\$31 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this section.

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows:

(1) Calculate the district's building leadership cost for that fiscal year as follows:

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;

(c) Compute the building leadership cost in accordance with the following formula:

{[(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 (G)(1)(a) of this section] + the amount specified under division (A)(10)(c) of this section for that fiscal year} X the quotient obtained under division (G)(1)(b) of this section

(2) Calculate the district's building leadership support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400;

(b) Determine the number of school buildings in the district for that fiscal year;

(c) Compute the building leadership support cost in accordance with the following formula:

(i) If the quotient obtained under division (G)(2)(a) of this section is less than the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G)(2)(b) of this section for that fiscal year X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]}.

(ii) If the quotient obtained under division (G)(2)(a) of this section is greater than or equal to the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G)(2)(b) of this section X 3) and the quotient obtained under division (G)(2)(a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]}.

(3) Calculate the district's building operations cost for that fiscal year as follows:

(a) Using data for the six most recent fiscal years for which data is available, determine both of the following:

(i) The six-year average of the average building square feet per pupil for all city, local, and exempted village school district buildings in the state;

(ii) The six-year average cost per square foot for all city, local, and exempted village school district buildings in the state.

(b) Compute the building operations cost in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G)(3)(a)(i) of this section X the number determined under division (G)(3)(a)(ii) of this section) - (the amount determined under division (E)(6)(a) of this section for that fiscal year/ the sum determined under division (E)(6)(b) of this section for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G)(1), (2), and (3) of this section.

(H) If a district is an eligible school district, the department shall compute the district's athletic co-curricular activities base cost for a fiscal year as follows:

(1) Determine the total amount of spending for athletic co-curricular activities reported by city, local, and exempted village school districts to the department for that fiscal year;

(2) Determine the sum of the enrolled ADM of every school district in the state for that fiscal year;

(3) Compute the district's athletic co-curricular activities base cost in accordance with the following formula:

(The amount determined under division (H)(1) of this section / the sum determined under division (H)(2) of this section) X the district's base cost enrolled ADM for the fiscal year for which the funds for athletic co-curricular activities are computed

Sec. 3317.012. This section shall apply only for fiscal years 2022 and 2023.

(A) As used in this section, "average administrative assistant salary," "average bookkeeping and accounting employee salary," "average clerical staff salary," "average counselor salary," "average education management information system support employee salary," "average librarian and media staff salary," "average other district administrator salary," "average principal salary," "average superintendent salary," and "average teacher cost" have the same meanings as in section 3317.011 of the Revised Code.

(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2018 for all of the following:

(1) The average salaries determined under divisions (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of section 3317.011 of the Revised Code;

(2) The amount for teacher benefits determined under division (A) (10)(b) of section 3317.011 of the Revised Code;

(3) The district-paid insurance costs determined under division (A) (10)(c) of section 3317.011 of the Revised Code;

(4) Spending determined under divisions (E)(4)(a), (E)(5)(a), and (H) (1) of section 3317.011 of the Revised Code and the corresponding student counts determined under divisions (E)(4)(b), (E)(5)(b), and (H)(2) of that section;

(5) The information determined under division (G)(3) of section 3317.011 of the Revised Code.

(C) A joint vocational school district's aggregate base cost for a fiscal year shall be equal to the following sum:

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

(D) The department of education shall compute a district's teacher base cost for a fiscal year as follows:

(1) Calculate the district's classroom teacher cost for that fiscal year as follows:

(a) 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 (D)(2)(h), (i), (j), (k), and (l) of section 3317.03 of the Revised Code, and divide that number by 18;

(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 six 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;

(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 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;

(d) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), and (c) of this section;

(e) Compute the classroom teacher base cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(d) of this section.

(2) Calculate the district's cost for that fiscal year for teachers providing health and physical education, instruction regarding employability and soft skills, development and coordination of internships and job placements, career-technical student organization activities, pre-apprenticeship and apprenticeship coordination, and any assessment related to career-technical education, including any nationally recognized job skills or end-of-course assessment, as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(b) If the quotient obtained under division (D)(2)(a) of this section is greater than 6, the teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.

(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.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

[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

(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:

[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 4

(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.

(E) The department shall compute a district's student support base cost for a fiscal year as follows:

(1) Calculate the district's guidance counselor cost for that fiscal year as follows:

(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;

(b) Compute the counselor cost in accordance with the following formula:

(The greater of the quotient obtained under division (E)(1)(a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(2) Calculate the district's librarian and media staff cost for that fiscal

year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;

(b) Compute the librarian and media staff cost in accordance with the following formula:

The quotient obtained under division (E)(2)(a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;

(b) Compute the staffing cost for student wellness and success in accordance with the following formula:

The quotient obtained under division (E)(3)(a) of this section X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(4) Calculate the district's cost for that fiscal year for career-technical curriculum specialists and coordinators, career assessment and program placement, recruitment and orientation, student success coordination, analysis of test results, development of intervention and remediation plans and monitoring of those plans, and satellite program coordination in accordance with the following formula:

[(The amount determined under division (E)(4)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(4)(b) of section 3317.011 of the Revised Code) + (the amount determined under division (H)(1) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (H)(2) of section 3317.011 of the Revised Code)] X the district's base cost enrolled ADM for the fiscal year for which the district's cost under this division is computed

(5) Compute the district's building safety and security cost for that fiscal year in accordance with the following formula:

(The amount determined under division (E)(5)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(5)(b) of section 3317.011 of the Revised Code) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed

(6) Compute the district's supplies and academic content cost for that

fiscal year in accordance with the following formula:

(The amount determined under division (E)(6)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(6)(b) of section 3317.011 of the Revised Code) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:

\$37.50 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's student support base cost for that fiscal year, which equals the sum of divisions (E)(1), (2), (3), (4), (5), (6), and (7) of this section.

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows:

(1) Calculate the district's superintendent cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [(\$160,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

(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 superintendent cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500};

(ii) (\$80,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to [(\$80,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

(2) Calculate the district's treasurer cost for that fiscal year as follows:

(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].

(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:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\}$;

(ii) $(\$60,000 \times 1.16)$ + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to $[(\$60,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year}]$.

(3) Calculate the district's other district administrator cost for that fiscal year as follows:

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750;

(c) Compute the other district administrator cost in accordance with the following formula:

$\{[(\text{The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section} - \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year}) \times \text{the quotient obtained under division (F)(3)(a) of this section}] + \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code}\} \times (\text{the greater of the quotient obtained under division (F)(3)(b) of this section and } 2)$

(4) Calculate the district's fiscal support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;

(b) Determine the lesser of the following:

(i) The maximum of the quotient obtained under division (F)(4)(a) of this section and 2;

(ii) 35.

(c) Compute the fiscal support cost in accordance with the following formula:

The number obtained under division (F)(4)(b) of this section X $[(\text{the average bookkeeping and accounting employee salary for that fiscal year} \times 1.16) + \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year}]$

(5) Calculate the district's education management information system support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;

(b) Compute the education management information system support cost in accordance with the following formula:

(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 section 3317.011 of the Revised Code for that fiscal year]

(6) Calculate the district's leadership support cost for that fiscal year as follows:

(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2 and add 1 to that number;

(b) Divide the number obtained under division (F)(6)(a) of this section by 3;

(c) Compute the leadership support cost in accordance with the following formula:

(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 section 3317.011 of the Revised Code for that fiscal year]

(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:

\$31 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this section;

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows:

(1) Calculate the district's building leadership cost for that fiscal year as follows:

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;

(c) Compute the building leadership cost in accordance with the following formula:

{[(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 Revised Code for that fiscal year X the quotient obtained under division (G)(1)(a) of this section] + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year} X the quotient obtained under division (G)(1)(b) of this section

(2) Calculate the district's building leadership support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400;

(b) Determine the number of school buildings in the district for that fiscal year;

(c) Compute the building leadership support cost in accordance with the following formula:

(i) If the quotient obtained under division (G)(2)(a) of this section is less than the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G)(2)(b) of this section X [(the average clerical staff salary X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]}.

(ii) If the quotient obtained under division (G)(2)(a) of this section is greater than or equal to the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G)(2)(b) of this section X 3) and the quotient obtained under division (G)(2)(a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]}.

(3) Compute the district's building operations cost for that fiscal year in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G)(3)(a)(i) of section 3317.011 of the Revised Code X the number determined under division (G)(3)(a)(ii) of section 3317.011 of the Revised Code) - (the amount determined under division (E)(5)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(5)(b) of section 3317.011 of the Revised Code for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G)(1), (2), and (3) of this section.

Sec. 3317.013. The ~~amounts~~ multiplies for the following categories of special education programs, as these programs are defined for purposes of

Chapter 3323. of the Revised Code, are as follows:

(A) ~~An amount of \$1,578~~ A multiple of 0.2435 for each ~~student-~~
~~students~~ whose primary or only identified disability is a speech and language
disability, as this term is defined pursuant to Chapter 3323. of the Revised
Code;

(B) ~~An amount of \$4,005~~ A multiple of 0.6179 for each ~~student-~~
~~students~~ identified as specific learning disabled or developmentally disabled,
as these terms are defined pursuant to Chapter 3323. of the Revised Code,
identified as having an other health impairment-minor, or identified as a
preschool child who is developmentally delayed;

(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 business and
administration, hospitality and tourism, human services, law and public
safety, transportation systems, and arts and communications, each of which
shall be defined by the department in consultation with the governor's office

of workforce transformation;

~~(C) An amount of \$1,795~~ (3) A multiple of 0.2154 for students enrolled in career-based intervention programs, which shall be defined by the department in consultation with the governor's office of workforce transformation;

~~(D) An amount of \$1,525~~ (4) A multiple of 0.1830 for students enrolled in workforce development programs in education and training, marketing, workforce development academics, public administration, and career development, each of which shall be defined by the department of education in consultation with the governor's office of workforce transformation;

~~(E) An amount of \$1,308~~ (5) A multiple of 0.1570 for students enrolled in family and consumer science programs, which shall be defined by the department of education in consultation with the governor's office of workforce transformation.

(B) The ~~amount~~ multiple for career-technical education associated services, as defined by the department, shall be \$245 0.0294.

(C) The department of education shall calculate career-technical education funds for each funding unit that is a city, local, exempted village, or joint vocational school district or the community and STEM school unit as follows:

(1) For fiscal years 2022 and 2023, the sum of the following:

(a) The funding unit's category one career-technical education ADM X the multiple specified in division (A)(1) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;

(b) The funding unit's category two career-technical education ADM X the multiple specified in division (A)(2) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;

(c) The funding unit's category three career-technical education ADM X the multiple specified in division (A)(3) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;

(d) The funding unit's category four career-technical education ADM X the multiple specified in division (A)(4) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school

district, the district's state share percentage;

(e) The funding unit's category five career-technical education ADM X the multiple specified in division (A)(5) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage.

(2) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:

(a) An amount calculated in a manner determined by the general assembly times the funding unit's category one career-technical education ADM;

(b) An amount calculated in a manner determined by the general assembly times the funding unit's category two career-technical education ADM;

(c) An amount calculated in a manner determined by the general assembly times the funding unit's category three career-technical education ADM;

(d) An amount calculated in a manner determined by the general assembly times the funding unit's category four career-technical education ADM;

(e) An amount calculated in a manner determined by the general assembly times the funding unit's category five career-technical education ADM.

(3) Payment of funds calculated under division (C) of this section is subject to approval under section 3317.161 of the Revised Code.

(D) Subject to division (I) of section 3317.023 of the Revised Code, the department shall calculate career-technical associated services funds for each funding unit that is a city, local, exempted village, or joint vocational school district or the community and STEM school unit as follows:

(1) For fiscal years 2022 and 2023, the following product:

If the funding unit is a city, local, exempted village, or joint vocational school district, the funding unit's state share percentage X the multiple for career-technical education associated services specified under division (B) of this section X the statewide average career-technical base cost per pupil for that fiscal year X the sum of the funding unit's categories one through five career-technical education ADM

(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly times the funding unit's categories one through five career-technical education ADM.

(E) Subject to division (I) of section 3317.023 of the Revised Code,

the department shall pay career awareness and exploration funds to each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code as follows:

(1) For fiscal years 2022 and 2023, an amount equal to the following product:

The district's or school's enrolled ADM X \$2.50, for fiscal year 2022, or \$5, for fiscal year 2023

(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment to city, local, exempted village, and joint vocational school districts, community schools, and STEM schools.

(F)(1) In any fiscal year, a school district receiving funds calculated under division (C) 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 calculated under division (C) of this section may be spent.

(2) All funds received under division (C) 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.

(G) In any fiscal year, a school district receiving 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, shall spend those funds only for the purposes 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.

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.

Sec. 3317.016. The ~~amounts~~ multiples for English learners shall be as follows:

(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).

(B) ~~An amount of \$1,136~~ A multiple of 0.1577 for each student who for fiscal years 2022 and 2023 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 or who, for fiscal year 2024 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

(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, for fiscal years 2022 and 2023, 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 or who, for fiscal year 2024 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

Sec. 3317.017. This section shall apply only for fiscal years 2022 and 2023.

(A) The department of education shall compute a city, local, or exempted village school district's per-pupil local capacity amount for a fiscal year as follows:

(1) Calculate the district's valuation per pupil for that fiscal year as follows:

(a) Determine the minimum of the district's three-year average valuation for the fiscal year for which the calculation is made and the district's taxable value for the most recent tax year for which data is available;

(b) Divide the amount determined under division (A)(1)(a) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(2) Calculate the district's local share federal adjusted gross income per pupil for that fiscal year as follows:

(a) Determine the minimum of the following:

(i) The average of the total federal adjusted gross income of the district's residents for the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code;

(ii) The total federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code.

(b) Divide the amount determined under division (A)(2)(a) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(3) Calculate the district's adjusted local share federal adjusted gross income per pupil for that fiscal year as follows:

(a) Determine both of the following:

(i) The median federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code;

(ii) The number of state tax returns filed by taxpayers residing in the district for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code.

(b) Compute the product of divisions (A)(3)(a)(i) and (ii) of this section;

(c) Divide the amount determined under division (A)(3)(b) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(4) Calculate the district's per-pupil local capacity percentage as follows:

(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A)(3)(a)(i) of this section for that fiscal year;

(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A)(3)(a)(i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A)(4)(a) of this section;

(c) Rank all school districts in order of the ratios calculated under division (A)(4)(b) of this section, from the district with the highest ratio calculated under division (A)(4)(b) of this section to the district with the lowest ratio calculated under division (A)(4)(b) of this section;

(d) Determine the district's per-pupil local capacity percentage as follows:

(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.

(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:

{[(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

(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.

(5) Calculate the district's per-pupil local capacity amount for that fiscal year as follows:

(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 (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)

(B) The department shall compute a city, local, or exempted village school district's state share for a fiscal year as follows:

(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).

(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].

(C) The department shall compute a city, local, or exempted village school district's state share percentage for a fiscal year as follows:

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

Sec. 3317.018. (A) The statewide average base cost per pupil shall be determined as follows:

(1) For fiscal year 2022, the statewide average base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all city,

local, and exempted village school districts in the state for that fiscal year under section 3317.011 of the Revised Code divided by 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.

(2) For fiscal year 2023, the statewide average base cost per pupil shall be equal to the amount calculated under division (A)(1) of this section.

(B) The statewide average career-technical base cost per pupil shall be determined as follows:

(1) For fiscal year 2022, the statewide average career-technical base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all joint vocational school districts in the state for that fiscal year under section 3317.012 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the joint vocational school districts in the state for that fiscal year.

(2) For fiscal year 2023, the statewide average career-technical base cost per pupil shall be equal to the amount calculated under division (B)(1) of this section.

Sec. 3317.019. (A)(1) Subject to division (D) of this section, for fiscal years 2022 and 2023, the department of education shall pay temporary transitional aid to each city, local, and exempted village school district according to the following formula:

(The district's funding base, as that term is defined in section 3317.02 of the Revised Code) – (the district's payment under section 3317.022 of the Revised Code for the fiscal year for which the payment is computed)

If the computation made under division (A)(1) of this section results in a negative number, the district's funding under division (A)(1) of this section shall be zero.

(2) For fiscal years 2022 and 2023, the department shall pay temporary transitional transportation aid to that district according to the following formula:

(The amount calculated for the district for fiscal year 2020 under division (A)(2) of Section 265.220 of H.B. 166 of the 133rd general assembly, prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020) – (the district's payment for fiscal year 2019 under division (D)(2) of section 3314.091 of the Revised Code as that division existed prior to the effective date of this amendment) - (the district's payment under section 3317.0212 of the Revised Code for the fiscal year for which the payment is computed)

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.

(B) If a local school district participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2022 or fiscal year 2023, but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall adjust, as necessary, the district's funding base, as that term is defined in section 3317.02 of the Revised Code, according to the amounts received by the district in the immediately preceding fiscal year for career-technical education students who attend the newly established joint vocational school district.

(C)(1) For purposes of division (C) of this section, a district's "decrease threshold" for a fiscal year is the greater of the following:

(a) Twenty;

(b) Ten per cent of the number of the district's students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for the previous fiscal year.

(2) For fiscal years 2022 and 2023, if a district has fewer students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for that fiscal year than for the previous fiscal year and the positive difference between those two student counts is greater than or equal to the district's decrease threshold for that fiscal year, the amount paid to the district under division (A) of this section shall be reduced by the following amount:

The statewide average base cost per pupil X [(the positive difference between the number of the district's students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for that fiscal year and the number of the district's students counted under that division for the previous fiscal year) - the district's decrease threshold for that fiscal year]

At no time, however, shall the amount paid to a district under division (A) of this section be less than zero.

Sec. 3317.0110. This section shall apply only for fiscal years 2022 and 2023.

(A) As used in this section:

(1) "Average teacher cost" for a fiscal year has the same meaning as in section 3317.011 of the Revised Code.

(2) "Eligible community or STEM school" means a community or STEM school that satisfies one of the following:

(a) The school is a member of an organization that regulates interscholastic athletics.

(b) The school has teams in at least three different sports that participate in an interscholastic league.

(B) When calculating a community or STEM school's aggregate base cost under this section, the department shall use data from fiscal year 2018 for the average teacher cost.

(C) A community or STEM school's aggregate base cost for a fiscal year shall be equal to the following sum:

(The school's teacher base cost for that fiscal year computed under division (D) of this section) + (the school's student support base cost for that fiscal year computed under division (E) of this section) + (the school's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the school's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the school's athletic co-curricular activities base cost for that fiscal year computed under division (H) of this section, if the school is an eligible community or STEM school)

(D) The department of education shall compute a community or STEM school's teacher base cost for a fiscal year as follows:

(1) Calculate the school's classroom teacher cost for that fiscal year as follows:

(a) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in kindergarten and divide that number by 20;

(b) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades one through three and divide that number by 23;

(c) Determine the full-time equivalency of students enrolled in the school 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;

(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;

(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;

(f) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), (c), (d), and (e) of this section;

(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.

(2) Calculate the school's special teacher cost for that fiscal year as follows:

(a) Divide the number of students enrolled in the school for that fiscal year by 150;

(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.

(3) Calculate the school's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

(The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section) X the amount computed under division (D)(3)(a) of this section X 5

(4) Calculate the school's professional development cost for that fiscal year in accordance with the following formula:

(The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section) X [(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of the Revised Code for that fiscal year)/180] X 4

(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.

(E) The department shall compute a community or STEM school's student support base cost for a fiscal year as follows:

The number of students enrolled in the school for that fiscal year 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]

(F) The department shall compute a community or STEM school's leadership and accountability base cost for a fiscal year as follows:

The number of students enrolled in the school for that fiscal year 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)

(G) The department shall compute a community or STEM school's building leadership and operations base cost for a fiscal year as follows:

The number of students enrolled in the school for that fiscal year 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 school districts in the state for that fiscal year)

(H) If a community or STEM school is an eligible community or STEM school, the department shall compute the school's athletic co-curricular activities base cost for a fiscal year as follows:

The number of students enrolled in the school for that fiscal year 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)

Sec. 3317.02. As used in this chapter:

(A)(+) "Alternative school" has the same meaning as in section 3313.974 of the Revised Code.

(B) "Autism scholarship unit" means a unit that consists of all of the students for whom autism scholarships are awarded under section 3310.41 of the Revised Code.

(C) For fiscal years 2022 and 2023, a district's "base cost enrolled ADM" for a fiscal year means the greater of the following:

(1) The district's enrolled ADM for the previous fiscal year;

(2) The average of the district's enrolled ADM for the previous three fiscal years.

(D)(1) "Base cost per pupil" means the following for a city, local, or exempted village school district:

(a) For fiscal years 2022 and 2023, the aggregate base cost calculated for that district for that fiscal year under section 3317.011 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year;

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(2) "Base cost per pupil" means the following for a joint vocational school district:

(a) For fiscal years 2022 and 2023, the aggregate base cost calculated for that district for that fiscal year under section 3317.012 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year;

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(E)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A)(1) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (B)(A)(2) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(3) "Category three career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (C)(A)(3) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (D)(A)(4) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division ~~(E)~~(A)(5) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

~~(B)(1)~~(F)(1) "Category one English learner ADM" means the full-time equivalent number of English learners described in division (A) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(2) "Category two English learner ADM" means the full-time equivalent number of English learners described in division (B) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

~~(C)(1)~~(G)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the

Revised Code and division (C) of section 3326.32 of the Revised Code.

(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district certified under division (B)(10) or (D)(2)(g) of

section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

~~(D)~~(H) "Community and STEM school unit" means a unit that consists of all of the students enrolled in community schools established under Chapter 3314. of the Revised Code and science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code.

(I)(1) "Economically disadvantaged index for a school district" means the following:

(a) For fiscal years 2022 and 2023, the square of the quotient of that district's percentage of students in its ~~total~~ enrolled ADM who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide ~~total~~ ADM identified as economically disadvantaged. For purposes of this calculation:

~~(H)~~(i) For a city, local, or exempted village school district, the "statewide ~~total~~ ADM" equals the sum of the ~~total~~ following:

(I) The enrolled ADM for all city, local, and exempted village school districts combined;

(II) The statewide enrollment of students in community schools established under Chapter 3314. of the Revised Code;

(III) The statewide enrollment of students in science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code.

(2)(ii) For a joint vocational school district, the "statewide ~~total~~ ADM" equals the sum of the ~~formula~~ enrolled ADM for all joint vocational school districts combined.

(b) For fiscal year 2024 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly.

(2) "Economically disadvantaged index for a community or STEM school" means the following:

(a) For fiscal years 2022 and 2023, 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 (I)(1)(a)(i) of this section.

(b) For fiscal year 2024 and each fiscal year thereafter, an index

calculated in a manner determined by the general assembly.

(E)(1)(J) "Educational choice scholarship unit" means a unit that consists of all of the students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code.

(K) "Enrolled ADM" means the following:

(1) For a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Add the students described in division (A)(1)(b) of section 3317.03 of the Revised Code;

(b) Subtract the students counted under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised Code;

(c) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(d) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.

(2) For a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section, and as further adjusted by the department of education by adding the students described in division (D)(1)(b) of section 3317.03 of the Revised Code;

(3) For the community and STEM school unit, the sum of the number of students reported as enrolled in community schools under divisions (B)(1) and (2) of section 3314.08 of the Revised Code and the number of students reported as enrolled in STEM schools under division (A) of section 3326.32 of the Revised Code;

(4) For the educational choice scholarship unit, the number of students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code as reported under division (A)(2)(g) of section 3317.03 of the Revised Code;

(5) For the pilot project scholarship unit, the number of students for whom pilot project scholarships are awarded under sections 3313.974 to 3313.979 of the Revised Code as reported under division (A)(2)(b) of section 3317.03 of the Revised Code;

(6) For the autism scholarship unit, the number of students for whom autism scholarships are awarded under section 3310.41 of the Revised Code as reported under division (A)(2)(h) of section 3317.03 of the Revised Code;

(7) For the Jon Peterson special needs scholarship unit, the number of students for whom Jon Peterson special needs scholarships are awarded under sections 3310.51 to 3310.64 of the Revised Code as reported under division (A)(2)(h) of section 3317.03 of the Revised Code.

(L)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

~~(F) "Formula amount" means \$6,010, for fiscal year 2018, and \$6,020, for fiscal year 2019.~~

~~(G)(M)~~ "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in enrolled ADM and formula ADM.

(H)(N) For fiscal years 2022 and 2023, "funding base" means, for a city, local, or exempted village school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2020 under

division (A)(1) of Section 265.220 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 and prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020;

(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.

(b) Subtract from the amount calculated in division (J)(1) of this section the sum of the following:

(i) The following difference:

(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)

(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;

(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 133rd general assembly;

(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;

(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.

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference:

(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)

(O) For fiscal years 2022 and 2023, "funding base" means, for a joint vocational school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The district's payments for fiscal year 2020 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;

(ii) The district's payments for fiscal year 2020 under divisions (D)(1), (2), and (E)(3) of section 3313.981 of the Revised Code as those divisions existed prior to the effective date of this amendment.

(b) Subtract from the amount paid to the district under division (A)(3) of section 3317.16 of the Revised Code, as that division existed prior to the effective date of this amendment, for fiscal year 2019.

(2) The district's "disadvantaged pupil impact aid funding base," which equals the amount paid to the district under division (A)(3) of section 3317.16 of the Revised Code, as that division existed prior to the effective date of this amendment, for fiscal year 2019.

(P) For fiscal years 2022 and 2023, "funding base" for a community school means the following:

(1) For a community school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division 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 and the amount, if any, paid to the school for that fiscal year under section

3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly;

(2) For a community school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division 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 if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department;

(3) For a community school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under division (C)(1) of section 3314.08 of the Revised Code as that division 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 if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department.

(Q) For fiscal years 2022 and 2023, "funding base" for a STEM school 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 section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly;

(2) For a science, technology, engineering, and mathematics school that was in operation for part of fiscal year 2020, the amount that would have been 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 if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount

that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department;

(3) For a science, technology, engineering, and mathematics school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school 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 if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department.

(R) "Funding unit" means any of the following:

- (1) A city, local, exempted village, or joint vocational school district;
- (2) The community and STEM school unit;
- (3) The educational choice scholarship unit;
- (4) The pilot project scholarship unit;
- (5) The autism scholarship unit;
- (6) The Jon Peterson special needs scholarship unit.

(S) "Jon Peterson special needs scholarship unit" means a unit that consists of all of the students for whom Jon Peterson scholarships are awarded under sections 3310.51 to 3310.64 of the Revised Code.

(T) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(U) "LRE student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students. For purposes of this division, "individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code, and "LRE" is an abbreviation for "least restrictive environment."

~~(H)~~(V) "Medically fragile child" means a child to whom all of the following apply:

- (1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's

medical condition.

(2) The child requires the services of a registered nurse on a daily basis.

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

~~(J)(1)(W)(1)~~ A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division ~~(J)(1)(a)~~ (W)(1)(a) or (b) of this section.

~~(K)(X)(1)~~ For fiscal years 2022 and 2023, a city, local, exempted village, or joint vocational school district's, community school's, or STEM school's "general phase-in percentage" is equal to the percentage for that fiscal year that is determined by the general assembly.

(2) For fiscal years 2022 and 2023, a city, local, exempted village, or joint vocational school district's "phase-in percentage for disadvantaged pupil impact aid" is equal to the percentage for that fiscal year that is determined by the general assembly.

(Y) "Pilot project scholarship unit" means a unit that consists of all of the students for whom pilot project scholarships are awarded under sections 3313.974 to 3313.979 of the Revised Code.

(Z) "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.

~~(L) "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.~~

~~(M)~~(AA) "Related services" includes:

(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)~~ (G)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(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;

(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;

(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.

~~(N)~~(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts.

(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code.

~~(O)~~(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

~~(P)~~(EE)(1) "State share ~~index percentage~~" means the following for a city, local, or exempted village school district:

(a) For fiscal years 2022 and 2023, the state share ~~index percentage~~ calculated for a district under section 3317.017 of the Revised Code;

(b) For fiscal year 2024 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.

~~(O)~~(2) "State share percentage" means the following for a joint vocational school district:

(a) For fiscal years 2022 and 2023, the percentage calculated in accordance with the following formula:

The amount computed for the district under division (A)(1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code

(b) For fiscal year 2024 and each fiscal year thereafter, a percentage

calculated in a manner determined by the general assembly.

(FF) "Statewide average base cost per pupil" means the following:

(1) For fiscal years 2022 and 2023, the statewide average base cost per pupil calculated under division (A) of section 3317.018 of the Revised Code;

(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(GG) "Statewide average career-technical base cost per pupil" means the following:

(1) For fiscal years 2022 and 2023, the statewide average career-technical base cost per pupil calculated under division (B) of section 3317.018 of the Revised Code;

(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(HH) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(II) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.

~~(R)(1)~~(JJ) For purposes of ~~section~~ sections 3317.017 and 3317.16 of the Revised Code, "three-year average valuation" for a fiscal year means the average of total taxable value for tax years 2014, 2015, and 2016 the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code.

(2) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following:

(a) For fiscal year 2018, the average of total taxable value for tax years 2014, 2015, and 2016;

(b) For fiscal year 2019, the average of total taxable value for tax years 2015, 2016, and 2017.

~~(S)~~(KK) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code minus the enrollment reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that section, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

~~(T)~~(LL) "Total special education ADM" means the sum of categories one through six special education ADM.

~~(U)~~(MM) "Total taxable value" means the sum of the amounts

certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(NN) "Tuition discount" means any deduction from the base tuition amount per student charged by a chartered nonpublic school, to which the student's family is entitled due to one or more of the following conditions:

(1) The student's family has multiple children enrolled in the same school.

(2) The student's family is a member of or affiliated with a religious or secular organization that provides oversight of the school or from which the school has agreed to enroll students.

(3) The student's parent is an employee of the school.

(4) Some other qualification not based on the income of the student's family or the student's athletic or academic ability and for which all students in the school may qualify.

Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under this chapter.

(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.

(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.

(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.

(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A) (3)(a) of this section attributable to a joint vocational school district.

(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:

(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public

purpose;

(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.

(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) For fiscal years 2022 and 2023, 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 funding unit that is a city, local, or exempted village school district, the community and STEM school unit, the educational choice scholarship unit, the pilot project scholarship unit, the autism scholarship unit, and the Jon Peterson special needs scholarship unit 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:~~

For fiscal years 2022 and 2023, for a funding unit that is a city, local, or exempted village school district:

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 (N)(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 (N)(2) of section 3317.02 of the Revised Code) X the district's phase-in percentage for disadvantaged pupil impact aid for that fiscal year] + the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code

For fiscal year 2024 and each fiscal year thereafter, for a funding unit that is a city, local, or exempted village school district, the sum of the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (4), (5), (6), (7), and (8) of this section and the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code, if the general assembly authorizes such payments to these funding units.

For fiscal years 2022 and 2023, for the community and STEM school unit, an amount calculated in accordance with section 3317.026 of the Revised Code.

For fiscal years 2024 and each fiscal year thereafter, for the community and STEM school unit, an amount calculated in accordance with divisions (A)(1), (3), (4), (5), (7), (8), and (9) of this section, if the general assembly authorizes such payments to these funding units.

For the educational choice scholarship unit, the amount calculated under division (A)(10) of this section.

For the pilot project scholarship unit, the amount calculated under division (A)(11) of this section.

For the autism scholarship unit, the amount calculated under division (A)(12) of this section.

For the Jon Peterson special needs scholarship unit, the amount calculated under division (A)(13) of this section.

(A) A funding unit's state core foundation funding components shall be the following:

(1) ~~An~~(a) If the funding unit is a city, local, or exempted village school district, opportunity grant calculated according to the following formula:

The formula amount X (formula ADM + preschool scholarship-ADM) X the district's state share index

the district's state share, which is equal to the following:

(i) For fiscal years 2022 and 2023, the amount calculated under division (B) of section 3317.017 of the Revised Code;

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(b) If the funding unit is the community and STEM school unit, the aggregate base cost for all schools in that unit, which is equal to the following:

(i) For fiscal years 2022 and 2023, the amount calculated under section 3317.0110 of the Revised Code;

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(2) ~~Targeted~~ If the funding unit is a city, local, or exempted village school district, ~~targeted~~ assistance funds equal to the following:

(a) For fiscal years 2022 and 2023, an amount calculated under divisions (A) and (B) of section 3317.0217 of the Revised Code;

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(3) ~~Additional~~ If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:

(a) For fiscal years 2022 and 2023, the sum of the following:

(a)(i) The district's funding unit's category one special education ADM X the amount multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share index percentage;

(b)(ii) The district's funding unit'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 if the funding unit is a city, local, or exempted village school district, the district's state share index percentage;

(c)(iii) The district's funding unit'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 if the funding unit is a city, local, or exempted village school district, the district's state share index percentage;

(d)(iv) The district's funding unit'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 if the funding unit is a city, local, or exempted village school district, the district's state share index percentage;

(e)(v) The district's funding unit'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 if the funding unit is a city, local, or exempted village school district, the district's state share index percentage;

(f)(vi) The district's funding unit'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 if the funding unit is a city, local, or exempted village school district, the district's state share index percentage.

(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM;

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM;

(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;

(v) An amount calculated in a manner determined by the general

assembly times the funding unit's category five special education ADM;

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.

(4) Kindergarten through third-grade literacy funds calculated according to the following formula:

(\$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)

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)(e) 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.

(5) Economically If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, disadvantaged funds pupil impact aid calculated according to the following formula:

(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following:

(i) For fiscal years 2022 and 2023, the following product:

\$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

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(b) If the funding unit is the community and STEM school unit, an amount equal to the following:

(i) For fiscal years 2022 and 2023, an amount calculated as follows:

(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, multiply \$422 by the economically disadvantaged index of the school in which the student is enrolled;

(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A)(4)(b)(i)(I) of this section.

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated as follows:

(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an internet- or computer-

based community school, calculate an amount in the manner determined by the general assembly;

(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A)(4)(b)(ii)(I) of this section.

(6)(5) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, English learner funds calculated as follows:

(a) For fiscal years 2022 and 2023, the sum of the following:

(a)(i) The district's funding unit'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 if the funding unit is a city, local, or exempted village school district, the district's state share index percentage;

(b)(ii) The district's funding unit'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 if the funding unit is a city, local, or exempted village school district, the district's state share index percentage;

(c)(iii) The district's funding unit'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 if the funding unit is a city, local, or exempted village school district, the district's state share index percentage.

(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.

(7)(a)(6)(a) For fiscal years 2022 and 2023, if the funding unit is a city, local, or exempted village school district, all of the following:

(i) Gifted identification funds calculated according to the following formula:

$\$5.05 \$24 \times \text{the district's formula enrolled ADM for grades kindergarten through six} \times \text{the district's state share percentage}$

(b)(ii) Gifted referral funds calculated according to the following formula:

\$2.50 X the district's enrolled ADM X the district's state share percentage

(iii) Gifted professional development funds calculated according to the following formula:

(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) X the district's state share percentage X \$7, for fiscal year 2022, or \$14, for fiscal year 2023

(iv) Gifted unit funding calculated under section 3317.051 of the Revised Code.

(b) For fiscal year 2024 and each fiscal year thereafter, all of the following:

(i) Gifted identification funds calculated in a manner determined by the general assembly;

(ii) Gifted referral funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;

(iii) Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;

(iv) Gifted unit funding calculated in an amount determined by the general assembly.

~~(8) Career-technical~~ (7) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education funds calculated as the sum of the following:

~~(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 index;~~

~~(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 index;~~

~~(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 index;~~

~~(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 index;~~

~~(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 index.~~

~~Payment of funds under division (A)(8) of this section is subject to approval under section 3317.161 of the Revised Code.~~

~~(9) Career-technical under division (C) of section 3317.014 of the Revised Code.~~

~~(8) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education associated services funds calculated according to the following formula:~~

~~The district's state share index X the amount for career-technical education associated services specified in section 3317.014 of the Revised Code X the sum of categories one through five career-technical education ADM~~

~~(10) Capacity aid funds calculated under section 3317.0218 of the Revised Code;~~

~~(11) A graduation bonus calculated under section 3317.0215 of the Revised Code;~~

~~(12) A third-grade reading bonus calculated under section 3317.0216 of the Revised Code under division (D) of section 3317.014 of the Revised Code.~~

(9) If the funding unit is the community and STEM school unit, an amount calculated as follows:

(a) For fiscal years 2022 and 2023, an amount equal to the following:

(The number of students in the funding unit's enrolled ADM who are reported under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for all schools in the funding unit for that fiscal year under section 3317.0110 of the Revised Code / the funding unit's enrolled ADM) X .20)

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(10) If the funding unit is the educational choice scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The base tuition of the chartered nonpublic school in which the student is enrolled minus the total amount of any applicable tuition discounts for which the student qualifies;

(ii) \$5,500, if the student is in grades kindergarten through eight, or \$7,500, if the student is in grades nine through twelve.

The amounts specified in division (A)(10)(a)(ii) of this section shall increase in future fiscal years by the same percentage that the statewide

average base cost per pupil increases in future fiscal years.

(b) Compute the sum of the amounts calculated under division (A)(10)(a) of this section.

(11) If the funding unit is the pilot project scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The net tuition charges of the student's alternative school;

(ii) \$5,500, if the student is in grades kindergarten through eight, or \$7,500, if the student is in grades nine through twelve.

The amounts specified in division (A)(11)(a)(ii) of this section shall increase in future fiscal years by the same percentage that the base cost per pupil increases in future fiscal years.

For purposes of division (A)(11)(a) of this section, the net tuition and fees charged to a student shall be the tuition amount specified by the alternative school minus all other financial aid, discounts, and adjustments received for the student. In cases where discounts are offered for multiple students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled.

The department shall provide for an increase in the amount determined for any student who is an LRE student with a disability and shall further increase such amount in the case of any separately educated student with a disability, as that term is defined in section 3313.974 of the Revised Code. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.

(b) Compute the sum of the amounts calculated under division (A)(17)(a) of this section.

(12) If the funding unit is the autism scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The tuition charged for the student's special education program, as that term is defined in section 3310.41 of the Revised Code;

(ii) \$31,500, for fiscal year 2022, and \$32,445, for fiscal year 2023 and each fiscal year thereafter.

(b) Compute the sum of the amounts calculated under division (A)(12)(a) of this section.

(13) If the funding unit is the Jon Peterson special needs scholarship

unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the least of the following:

(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the Revised Code;

(ii) \$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023, plus an amount determined as follows:

(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, \$1,514, for fiscal year 2022, and \$1,562, for fiscal year 2023;

(II) If the student is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code, \$3,841, for fiscal year 2022, and \$3,963, for fiscal year 2023;

(III) If the student is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code, \$9,465, for fiscal year 2022, and \$9,522, for fiscal year 2023;

(IV) If the student is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code, \$12,644, for fiscal year 2022, and \$12,707, for fiscal year 2023;

(V) If the student is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code, \$17,193, for fiscal year 2022, and \$17,209, for fiscal year 2023;

(VI) If the student is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code, \$24,591, for fiscal year 2022, and \$25,370, for fiscal year 2023.

(iii) \$27,000.

The amount specified for fiscal year 2023 in division (A)(13)(a)(ii) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years.

The amounts specified for fiscal year 2023 in divisions (A)(13)(a)(ii) (I) to (VI) of this section shall increase in future fiscal years by the same percentage that the amounts calculated by the general assembly for those categories of special education services under division (A)(3) of this section increase in future fiscal years.

(b) Compute the sum of the amounts calculated under division (A)(13)(a) of this section.

(B) In any fiscal year, a funding unit that is a city, local, or exempted village school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the

amount calculated as follows:

~~(The formula amount base cost per pupil calculated for the district for that fiscal year X the total special education ADM) + (the district's category one special education ADM X the amount multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (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) + (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) + (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) + (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) + (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)~~

The purposes approved by the department for special education expenses shall include, but shall not be limited to, identification of children with disabilities, compliance with state rules governing the education of children with disabilities and prescribing the continuum of program options for children with disabilities, provision of speech language pathology services, and the portion of the school district's overall administrative and overhead costs that are attributable to the district's special education student population.

~~The scholarships deducted from the school district's account under sections 3310.41 and 3310.55 of the Revised Code shall be considered to be an approved special education and related services expense for the purpose of the school district's compliance with this division.~~

~~(C) In any fiscal year, a school district receiving funds under division (A)(8) 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)(8) of this section may be spent.~~

~~(D) In any fiscal year, a school district receiving funds 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, shall spend those funds only for the~~

purposes 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 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 funding unit that is a city, local, or exempted village 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)(1) Except as provided in division (B) of section 3317.026 of the Revised Code, the department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the Revised Code, from the funds paid to the community and STEM school unit under this section, an amount for each student enrolled in the school equal to the sum of the following:

(a) The school's base cost per pupil for that fiscal year, calculated as follows:

(i) For fiscal years 2022 and 2023:

The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code / the number of students enrolled in the school for that fiscal year

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly under division (A)(1)(b)(ii) of this section divided by the number of students enrolled in the school for that fiscal year.

(b) If the student is a special education student:

(i) For fiscal years 2022 and 2023, the multiple specified for the student's special education category under section 3317.013 of the Revised Code times the statewide average base cost per pupil;

(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(3)(b) of this section.

(c) If the school is not an internet- or computer-based community school and the student is economically disadvantaged:

(i) For fiscal years 2022 and 2023, the amount calculated for the student under division (A)(4)(b)(i)(I) of this section;

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated for the student in the manner determined by the general assembly under division (A)(4)(b)(ii)(I) of this section.

(d) If the school is not an internet- or computer-based community school and the student is an English learner:

(i) For fiscal years 2022 and 2023, the multiple specified for the student's English learner category under section 3317.016 of the Revised Code times the statewide average base cost per pupil;

(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(5)(b) of this section.

(e) If the student is a career-technical education student:

(i) For fiscal years 2022 and 2023, the multiple specified for the student's career-technical education category under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;

(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's career-technical education category in a manner determined by the general assembly under section 3317.014 of the Revised Code.

(f) If the student is a career-technical education student:

(i) For fiscal years 2022 and 2023, the multiple for career-technical associated services specified under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;

(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for career-technical associated services in a manner determined by the general assembly under section 3317.014 of the Revised Code.

(2) The department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the Revised Code, from the funds

paid to the community and STEM school unit under this section, an amount equal to the amount calculated for the school under division (A)(9) of this section.

(E) The department shall distribute to the parent of each student for whom an educational choice scholarship is awarded under section 3310.03 or 3310.032 of the Revised Code, or to the student if at least eighteen years of age, from the funds paid to the educational choice scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(10)(a) of this section. The scholarship shall be distributed in monthly partial payments, and the department shall proportionately reduce or terminate the payments for any student who withdraws from a chartered nonpublic school prior to the end of the school year.

(F) If a student is awarded a pilot project scholarship under sections 3313.974 to 3313.979 of the Revised Code, the department shall distribute to the parent of the student, if the student is attending a registered private school as defined in section 3313.974 of the Revised Code, or the student's school district of attendance, if the scholarship is to be used for payments to a public school in a school district adjacent to the pilot project school district pursuant to section 3327.06 of the Revised Code, a scholarship from the funds paid to the pilot project scholarship unit under this section that is equal to the amount calculated for the student under division (A)(11)(a) of this section.

In the case of a scholarship distributed to a student's parent, the scholarship shall be distributed from time to time in partial payments. The scholarship amount shall be proportionately reduced in the case of any such student who is not enrolled in a registered private school, as that term is defined in section 3313.974 of the Revised Code, for the entire school year. The first payment shall be made by the last day of November and shall equal one-third of the estimated total amount that will be due to the parent for the school year.

In the case of a scholarship distributed to a student's school district of attendance, the department shall, on behalf of the student's parents, use the scholarship to make the tuition payments required by section 3327.06 of the Revised Code to the student's school district of attendance, except that, notwithstanding sections 3323.13, 3323.14, and 3327.06 of the Revised Code, the total payments in any school year shall not exceed the scholarship amount calculated for the student under division (A)(11)(a) of this section.

(G) The department shall distribute to the parent of each student for whom an autism scholarship is awarded under section 3310.41 of the Revised Code, from the funds paid to the autism scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(12)(a) of this section. The scholarship shall be distributed from time to time in partial payments. The scholarship amount shall be proportionately reduced

in the case of any student who is not enrolled in the special education program for which a scholarship was awarded under section 3310.41 of the Revised Code for the entire school year. The department shall make no payments to the parent of a student while any administrative or judicial mediation or proceedings with respect to the content of the student's individualized education program are pending.

(H) The department shall distribute to the parent of each student for whom a Jon Peterson special needs scholarship is awarded under sections 3310.51 to 3310.64 of the Revised Code, from the funds paid to the Jon Peterson special needs scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(13)(a) of this section. The scholarship shall be distributed in periodic payments, and the department shall proportionately reduce or terminate the payments for any student who is not enrolled in the special education program of an alternative public provider or a registered private provider, as those terms are defined in section 3310.51 of the Revised Code, for the entire school year.

(I) For fiscal years 2022 and 2023, a school district shall spend the funds it receives under division (A)(5) of this section only for services for English learners.

(J) For fiscal years 2022 and 2023, 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 fiscal years 2022 and 2023, if the department determines that a district is not in compliance with this division, it shall reduce the district's payments for that fiscal year under this chapter by an amount equal to the amount paid to the district for that fiscal year under division (A)(6) of this section that was not spent in accordance with this division.

Sec. 3317.023. (A) The amounts required to be paid to a district under this chapter shall be adjusted by the amount of the computations made under divisions (B) to (K) of this section.

As used in this section:

(1) "Career-technical planning district" or "CTPD" means a school district or group of school districts designated by the department of education as being responsible for the planning for and provision of career-technical education services to students within the district or group. A community school established under Chapter 3314. of the Revised Code or a STEM school established under Chapter 3326. of the Revised Code that is serving students in any of grades seven through twelve shall be assigned to a career-technical planning district by the department.

(2) "Lead district" means a school district, including a joint

vocational school district, designated by the department as a CTPD, or designated to provide primary career-technical education leadership within a CTPD composed of a group of districts, community schools assigned to the CTPD, and STEM schools assigned to the CTPD.

(B) If a local, city, or exempted village school district to which a governing board of an educational service center provides services pursuant to an agreement entered into under section 3313.843 of the Revised Code, deduct the amount of the payment required for the reimbursement of the governing board under that section.

(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 such payments.

(G) If the district is required to pay an amount of funds to a cooperative education district pursuant to a provision described by division (B)(4) of section 3311.52 or division (B)(8) of section 3311.521 of the Revised Code, deduct such amounts as provided under that provision and

credit those amounts to the cooperative education district for payment to the district under division (B)(1) of section 3317.19 of the Revised Code.

(H)(1) If a district is educating a student entitled to attend school in another district pursuant to a shared education contract, compact, or cooperative education agreement other than an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following:

(a) An amount equal to the ~~formula amount~~ statewide average base cost per pupil.

(b) Any amount applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (H)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the service center.

(I)(1) If a district, including a joint vocational school district, is a lead district of a CTPD, credit to that district the amount calculated for each school district within that CTPD under ~~division (A)(9)~~ divisions (D) and (E) of section 3317.022 3317.014 of the Revised Code or division (A)(6) of section 3317.16 of the Revised Code, as applicable and for each community school and STEM school assigned to the CTPD under divisions (D) and (E) of section 3317.014 of the Revised Code.

(2) Deduct from each appropriate district that is not a lead district, or from the appropriate community school or STEM school, the amount attributable to that district or school that is credited to a lead district under division (I)(1) of this section.

(J) If the department pays a joint vocational school district under division (C)(3) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a student with a disability, as calculated under division (C)(1) of that section, the department shall deduct the amount of that payment from the city, local, or exempted village school district that is responsible as specified in that section for the excess costs.

(K)(1) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall pay that amount to the district.

(2) If the district reports an amount of excess cost for special

education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall deduct that amount from the district of residence of that child."

In line 38356, after the period insert "For fiscal years 2022 and 2023, in the case of a school district, this amount shall be equal to the actual costs incurred by the district when transporting those students, as reported to the department, times the percentage determined for the district for that fiscal year under divisions (E)(3)(a) to (f) of section 3317.0212 of the Revised Code."

In line 38362, strike through "district or"; after the period insert "For fiscal years 2022 and 2023, the state board shall also establish the deadline for each district to report its actual costs for transporting these students. For fiscal years 2022 and 2023, costs reported by each district under this division shall be subject to periodic, random audits by the department."

Delete lines 38477 through 39834 and insert:

"Sec. 3317.026. This section shall apply only for fiscal years 2022 and 2023.

(A) For each fiscal year, the department of education shall calculate an amount for the community and STEM school unit as follows:

(1) For each community school and STEM school, determine the sum of the following:

(a) The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code;

(b) The sum of the following:

(i) The school's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(ii) The school's category two special education ADM X the 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;

(iii) The school's category three special education ADM X the 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;

(iv) The school's category four special education ADM X the 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;

(v) The school's category five special education ADM X the 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) The school's category six special education ADM X the 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.

(c) If the school is not an internet- or computer-based community school, an amount of disadvantaged pupil impact aid equal to the following:

\$422 X the school's economically disadvantaged index X the number of students in the school's enrolled ADM who are economically disadvantaged

(d) If the school is not an internet- or computer-based community school, the sum of the following:

(i) The school's category one English learner ADM X the 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) The school's category two English learner ADM X the 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) The school's category three English learner ADM X the 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.

(e) The sum of the following:

(i) The school's category one career-technical education ADM X the multiple specified under division (A)(1) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;

(ii) The school's category two career-technical education ADM X the multiple specified under 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;

(iii) The school's category three career-technical education ADM X the multiple specified under 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;

(iv) The school's category four career-technical education ADM X the multiple specified under 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;

(v) The school's category five career-technical education ADM X the multiple specified under 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.

(f) An amount equal to the following:

The multiple for career-technical 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 sum of the school's categories one through five career-technical education ADM

(g) If the school is a community school, an amount equal to the following:

The number of students reported by the community school under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code / the school's enrolled ADM) X 0.20

(2) For each community and STEM school, determine the lesser of the following:

(a) The following sum:

The school's funding base + {[the sum calculated for the school under division (A) of this section] - the school's funding base} X the school's general phase-in percentage for that fiscal year}

(b) The sum of the amounts calculated for the school for that fiscal year under division (A) of this section.

(3) Compute the sum of the amounts determined under division (B) of this section to determine the amount calculated for the community and STEM school unit.

(B) Notwithstanding division (D) of section 3317.022 of the Revised Code, for each fiscal year, the department shall distribute to each community school and each STEM school, from the funds paid to the community and STEM school unit under section 3317.022 of the Revised Code, an amount equal to the amount determined for that school under division (A)(2) of this section.

Sec. 3317.028. (A) On or before May 15, 2007, and the fifteenth day of May in each calendar year thereafter, the tax commissioner shall determine for each school district whether the taxable value of all utility tangible personal property subject to taxation by the district in the preceding tax year was less than the taxable value of such property during the second preceding tax year. If any decrease exceeds ten per cent of the district's tangible personal property taxable value included in the total taxable value used in the district's state aid computation for the fiscal year that ends in the current calendar year, the tax commissioner shall certify all of the following to the department of education and the office of budget and management:

(1) The district's total taxable value for the preceding tax year;

(2) The change in taxes charged and payable on the district's total taxable value for the preceding tax year and the second preceding tax year;

(3) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;

(4) 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.

(B) Upon receipt of a certification specified in 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 the fiscal year that ends in the current calendar year with the taxable value certified under division (A)(1) of this section and shall recompute the state education aid for such fiscal year without applying any funding limitations enacted by the general assembly to the computation, if applicable. The department shall pay to the district an amount equal to the lesser of the following:

(1) The positive difference between the district's state education aid prior to the recomputation under this section and the district's recomputed state education aid;

(2) The absolute value of the amount certified under division (A)(2) of this section.

The payment date shall be determined by the director of budget and management. The director shall select a payment date that is not earlier than the first day of June of the current fiscal year and not later than the thirty-first day of July of the following fiscal year. The department of education shall not pay the district under this section prior to approval by the director of budget and management to make that payment.

(C) If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this section, the amount of the recomputation shall be reduced and transferred in accordance with division (C) of section 3316.20 of the Revised Code.

Sec. 3317.0212. (A) As used in this section:

(1) For fiscal years 2022 and 2023, "assigned bus" means a school bus used to transport qualifying riders.

(2) For fiscal years 2022 and 2023, "density" means the total riders per square mile of a school district.

(3) For fiscal years 2022 and 2023, "nontraditional ridership" means the average number of qualifying riders who are enrolled in a community school established under Chapter 3314. of the Revised Code, in a STEM school established under Chapter 3326. of the Revised Code, or in a nonpublic school and are provided school bus service by a school district during the first full week of October.

(4) "Qualifying riders" means the following:

(a) For fiscal years 2022 and 2023, resident students enrolled in preschool and regular education in grades kindergarten to twelve who are provided school bus service by a school district and who live more than one mile from the school they attend, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school;

(b) For fiscal year 2024 and each fiscal year thereafter, students specified by the general assembly.

~~(2)~~(5) "Qualifying ridership" means the following:

(a) For fiscal years 2022 and 2023, the greater of the average number of qualifying riders counted in the morning or counted in the afternoon who are provided school bus service by a school district during the first full week of October;

(b) For fiscal year 2024 and each fiscal year thereafter, a ridership determined in a manner specified by the general assembly.

~~(3)~~(6) "Rider density" means the total ADM per square mile of a school district. following:

(a) For fiscal years 2022 and 2023, the following quotient:

A school district's total number of qualifying riders/ the number of square miles in the district

(b) For fiscal year 2024 and each fiscal year thereafter, a number calculated in a manner determined by the general assembly.

~~(4)~~(7) For fiscal years 2022 and 2023, "riders" means students enrolled in regular and special education in grades kindergarten through twelve who are provided school bus service by a school district, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school.

(8) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:

(a) School buses owned or leased by the district;

(b) School buses operated by a private contractor hired by the district;

(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.

(B) Not later than the ~~fifteenth day of October~~ first day of November, for fiscal years 2022 and 2023, or a date determined by the general assembly, for fiscal year 2024 and each fiscal year thereafter, of each year, each city,

local, and exempted village school district shall report to the department of education its qualifying ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation base payment as follows:

(1) Multiply For fiscal years 2022 and 2023:

(a) Calculate the sum of the following:

(i) The product of the statewide transportation cost per student by and the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in the district;

(ii) 1.5 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in community schools established under Chapter 3314. of the Revised Code or STEM schools established under Chapter 3326. of the Revised Code;

(iii) 2.0 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in nonpublic schools.

(2)(b) 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.

(3)(c) Multiply the greater of the amounts calculated under divisions (E)(1)(a) and (2)(b) of this section by the following:

(a)(i) 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;

(b)(ii) 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.

(2) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly.

(F) For fiscal years 2022 and 2023, the department shall pay a district's efficiency adjustment payment in accordance with divisions (F)(1) to (3) of this section. For fiscal year 2024 and each fiscal year thereafter, the department shall pay a district's efficiency adjustment payment in a manner determined by the general assembly, if the general assembly authorizes such a payment to districts.

(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 density in comparison to the density of all other districts. The department shall post on the department's web site each district's target number of riders per assigned bus and a description of how the target number was determined.

(2) The department shall determine each school district's efficiency index by dividing the district's number of riders per assigned bus by its target number of riders per assigned bus.

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment payment as follows:

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment payment shall be calculated according to the following formula:

0.15 X the district's transportation base payment calculated under division (E) of this section

(b) If the district's efficiency index is less than 1.5 but greater than or equal to 1.0, the efficiency adjustment payment shall be calculated according to the following formula:

$\{[(\text{The district's efficiency index} - 1) \times 0.15] / 0.5\} \times \text{the district's transportation base payment calculated under division (E) of this section}$

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment payment shall be zero.

(G) In addition to funds paid under ~~division (E)~~ divisions (E), (F), and (H) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

~~(G)(1)(H)(1)~~ For purposes of division ~~(G)(H)~~ of this section, a school district's "transportation supplement percentage" means the following:

(a) For fiscal years 2022 and 2023, the following quotient:

$(5028 - \text{the district's rider density}) / 100$

If the result of the calculation for a district under division ~~(G)(1)(H)~~ (1)(a) of this section is less than zero, the district's transportation supplement percentage shall be zero.

(b) For fiscal year 2024 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.

(2) The department shall pay each district a transportation supplement calculated according to the following formula:

The district's transportation supplement percentage \times the amount calculated for the district under division (E)(2) of this section \times 0.55

(I)(1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of section 3314.091 of the Revised Code, the department shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C)(1) of that section. If a community school governing authority accepts transportation responsibility under division (B) of that 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 that 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 section 3314.091 of the Revised Code.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with this section and any rules of the state board of education implementing this section, the payment to the community school shall be the following:

(i) For fiscal years 2022 and 2023, 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 this section, 1.0 times the statewide transportation cost per student, as calculated in division (C) of this section;

(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 (H)(1) (b)(i) of this section, the amount that would otherwise be computed for and paid to the district.

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

The community school, however, is not required to use the same method to transport the student.

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) A community school shall be paid under division (H)(1) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of section 3314.091 of the Revised Code, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.

Sec. 3317.0213. (A) The department of education shall compute and pay in accordance with this section additional state aid for preschool children with disabilities to each city, local, and exempted village school district and to each institution, as defined in section 3323.091 of the Revised Code. Funding shall be provided for children who are not enrolled in kindergarten and who are under age six on the thirtieth day of September of the academic year, or on the first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year.

The For fiscal years 2022 and 2023, the additional state aid shall be calculated under the following formula:

(\$4,000 X the number of students who are preschool children with disabilities) + the sum of the following:

(1) The district's or institution's category one special education students who are preschool children with disabilities X the ~~amount~~ multiple specified in division (A) 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 X 0.50;

(2) The district's or institution's category two special education students who are preschool children with disabilities 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 ~~index~~ percentage X 0.50;

(3) The district's or institution's category three special education students who are preschool children with disabilities 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 ~~index~~ percentage X 0.50;

(4) The district's or institution's category four special education students who are preschool children with disabilities 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 ~~index~~ percentage X 0.50;

(5) The district's or institution's category five special education students who are preschool children with disabilities 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~~ percentage X 0.50;

(6) The district's or institution's category six special education students who are preschool children with disabilities 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 X 0.50.

For fiscal year 2024 and each fiscal year thereafter, the additional state aid shall be calculated for each category of special education students who are preschool children with disabilities using a formula specified by the general assembly.

The special education disability categories for preschool children used in this section are the same categories prescribed in section 3317.013 of the Revised Code.

As used in division (A) of this section, the state share ~~index~~ percentage of a student enrolled in an institution is the state share ~~index~~ percentage of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) If an educational service center is providing services to students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, that district may authorize the department to transfer funds computed under this section to the service center providing those services.

(C) If a county DD board is providing services to students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, the department shall deduct from the district's payment computed under division (A) of this section the total amount of those funds that are attributable to the students served by the county DD board and pay that amount to that board.

Sec. 3317.0214. (A) The department shall compute and pay in accordance with this section additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(1) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(2) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share ~~index~~ percentage.

(B) For purposes of division (A) of this section, the threshold catastrophic cost for serving a student equals:

(1) For a student in the school district's category two, three, four, or five special education ADM, twenty-seven thousand three hundred seventy-five dollars;

(2) For a student in the district's category six special education ADM, thirty-two thousand eight hundred fifty dollars.

(C) The district shall report under division (A) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

Sec. 3317.0215. (A)(1) For fiscal years 2022 and 2023, the department of education shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code an amount equal to the following:

(a) In the case of a city, local, exempted village, or joint vocational school district, an amount calculated as follows:

$0.10 \times [(\text{the district's category one special education ADM} \times \text{the multiple specified in division (A) of section 3317.013 of the Revised Code} \times \text{the statewide average base cost per pupil for that fiscal year} \times \text{the district's state share percentage}) + (\text{the district's category two special education ADM} \times \text{the multiple specified in division (B) of section 3317.013 of the Revised Code} \times \text{the statewide average base cost per pupil for that fiscal year} \times \text{the district's state share percentage}) + (\text{the district's category three special education ADM} \times \text{the multiple specified in division (C) of section 3317.013 of the Revised Code} \times \text{the statewide average base cost per pupil for that fiscal year} \times \text{the district's state share percentage}) + (\text{the district's category four special education ADM} \times \text{the multiple specified in division (D) of section 3317.013 of the Revised Code} \times \text{the statewide average base cost per pupil for that fiscal year} \times \text{the district's state share percentage}) + (\text{the district's category five special education ADM} \times \text{the multiple specified in division (E) of section 3317.013 of the Revised Code} \times \text{the statewide average base cost per pupil for that fiscal year} \times \text{the district's state share percentage}) + (\text{the district's category six special education ADM} \times \text{the multiple specified in division (F) of section 3317.013 of the Revised Code} \times \text{the statewide average base cost per pupil for that fiscal year} \times \text{the district's state share percentage})]$

(b) In the case of a community school, the aggregate amount of special education funding paid to the school under section 3317.022 of the Revised Code times 0.10.

(c) In the case of a science, technology, engineering, or mathematics school, the aggregate amount of special education funding paid to the school under section 3317.022 of the Revised Code times 0.10.

(2) For fiscal year 2024 and each fiscal year thereafter, the department of education shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, community school, and science, technology, engineering, and mathematics school an amount determined by the general assembly, if any, for purposes of this section.

(B) For fiscal years 2022 and 2023, the department shall use the amount of funds withheld under division (A) of this section for purposes of division (C)(1) of section 3314.08 of the Revised Code, section 3317.0214 of the Revised Code, division (B) of section 3317.16 of the Revised Code, and section 3326.34 of the Revised Code.

For fiscal year 2024 and each fiscal year thereafter, the department shall use the amount of funds withheld under division (A) of this section, if any, for purposes determined by the general assembly.

Sec. 3317.0217. This section shall apply only for fiscal years 2022 and 2023.

Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code.

(A) For each fiscal year, the department of education shall compute targeted assistance funds for city, local, and exempted village school districts, in accordance with the following formula:

A district's capacity amount for that fiscal year calculated under division (B) of this section + a district's wealth amount for that fiscal year calculated under division (C) of this section

(B) The department shall calculate each district's capacity amount for a fiscal year as follows:

(1) Calculate each district's weighted wealth for that fiscal year, which equals the following sum:

(The amount determined for the district for that fiscal year under division (A)(1)(a) of section 3317.017 of the Revised Code X 0.6) + (the amount determined for the district for that fiscal year under division (A)(2)(a) of section 3317.017 of the Revised Code X 0.4)

(2) Determine the median weighted wealth of all school districts in

this state for that fiscal year:

(3) Compute each district's capacity index for that fiscal year by dividing the median weighted wealth of all school districts in this state for that fiscal year by the district's weighted wealth for that fiscal year;

(4) Compute each district's capacity amount for that fiscal year as follows:

(a) The district's capacity amount shall be zero if the district satisfies either of the following criteria for that fiscal year:

(i) The district's capacity index is less than 1.

(ii) The district's enrolled ADM is less than 200.

(b) If the district does not satisfy either of the criteria specified in division (B)(4)(a) of this section for that fiscal year, the district's capacity amount for that fiscal year shall be calculated as follows:

(i) Compute the following amount for the district:

(The median weighted wealth of all school districts in this state for that fiscal year X 0.008) – (the district's weighted wealth for that fiscal year X 0.008)

(ii) If the district's enrolled ADM for that fiscal year is greater than or equal to 200 but less than or equal to 400, the district's capacity amount for that fiscal year shall be equal to 0.05 X the amount computed under division (B)(4)(b)(i) of this section.

(iii) If the district's enrolled ADM for that fiscal year is greater than 400 and less than 600, the district's capacity amount for that fiscal year shall be calculated in accordance with the following formula:

$\{[0.95 \times (\text{the district's enrolled ADM for that fiscal year} - 400)/200] + 0.05\} \times \text{the amount computed under division (B)(4)(b)(i) of this section}$

(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.

(C) The department shall calculate each district's wealth amount for a fiscal year as follows:

(1) Calculate each district's weighted wealth per pupil for that fiscal year, which equals the following quotient:

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)

(2) Determine the median weighted wealth per pupil of all school

districts in this state for that fiscal year:

(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;

(4) Compute each district's wealth amount for that fiscal year, as follows:

(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.

(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:

[(The median weighted wealth per pupil of all school districts in this state for that fiscal year X 0.014) – (the district's weighted wealth per pupil for that fiscal year X 0.012)] X the district's enrolled ADM for that fiscal year

Sec. 3317.0218. This section shall apply only for fiscal years 2022 and 2023.

For each fiscal year, the department of education shall compute supplemental targeted assistance for each city, local, and exempted village school district as follows:

(A) Determine if the district satisfies both of the following criteria:

(1) The wealth index calculated for the district for fiscal year 2019 under division (A)(4) of former section 3317.0217 of the Revised Code as it existed prior to the effective date of this section is greater than 1.6;

(2) The district's enrolled ADM for fiscal year 2019 is less than eighty-eight per cent of the district's total ADM for fiscal year 2019.

(B) Determine the maximum of the wealth indices calculated under division (A)(4) of former section 3317.0217 of the Revised Code as it existed prior to the effective date of this section for all districts that satisfy both of the criteria specified under division (A) of this section;

(C) If the district satisfies both of the criteria specified under division (A) of this section, compute the district's supplemental amount as the product of the following:

(1) {[(The number specified under division (A)(1) of this section – 1.6) / (the number determined under division (B) of this section – 1.6)] X 675} + 75;

(2) The district's enrolled ADM.

(D) If the district does not satisfy both of the criteria specified under division (A) of this section, the district's supplemental amount shall be equal to zero.

Sec. 3317.03. (A) The superintendent of each city, local, and exempted village school district shall report to the state board of education as of the last day of October, March, and June of each year the enrollment of students receiving services from schools under the superintendent's supervision, and the numbers of other students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code the superintendent is required to report under this section, so that the department of education can calculate the district's enrolled ADM, formula ADM, total ADM, category one through five career-technical education ADM, category one through three English learner ADM, category one through six special education ADM, ~~preschool scholarship ADM~~, transportation ADM, and, for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership.

(1) The enrollment reported by the superintendent during the reporting period shall consist of the number of students in grades kindergarten through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) 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;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code;

(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 (1)(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;

(f) Another school district under a cooperative education agreement, compact, or contract;

(g) A chartered nonpublic school with a scholarship paid under section ~~3310.08~~ 3317.022 of the Revised Code, if the students qualified for the scholarship under section 3310.03 ~~or 3310.032~~ of the Revised Code;

(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.

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.

(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;

(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.

(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.

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), including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, 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 (1)(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 3328. of the Revised Code;

(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;

(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in

the school;

(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code;

(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;

(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;

~~(h)(b)~~ Participating in a program operated by a county board of developmental disabilities or a state institution;

(j) Enrolled in 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;

(k) Enrolled in 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;

(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.

(4) The total enrollment of pupils in joint vocational schools;

(5) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(6) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections

3310.51 to 3310.64 of the Revised Code;

(7) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(8) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(9) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(10) The combined enrollment of children with disabilities reported under division (A)(1) or (2) ~~and under division (B)(3)(h)~~ of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by 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;

(11) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in category

one career-technical education programs or classes, described in division (A) (1) of section 3317.014 of the Revised Code, operated by the school district or by another district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division ~~(G)~~(M) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(12) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in category two career-technical education programs or services, described in division ~~(B)~~(A)(2) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division ~~(G)~~(M) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(13) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in category three career-technical education programs or services, described in division ~~(C)~~(A)(3) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division ~~(G)~~(M) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(14) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in category four career-technical education programs or services, described in division ~~(D)~~(A)(4) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division ~~(G)~~(M) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(15) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in category five career-technical education programs or services, described in division ~~(E)~~(A)(5) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-

technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division ~~(G)(M)~~ of section 3317.02 of the Revised Code and division (C)(3) of this section;

(16) The enrollment of pupils reported under division (A)(1) or (2) of this section who are English learners described in division (A) of section 3317.016 of the Revised Code, including any student described in division (A)(1)(b) of this section and excluding any student reported under ~~division (B)(3)(e) divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section as enrolled in an internet- or computer-based community school;~~

(17) The enrollment of pupils reported under division (A)(1) or (2) of this section who are English learners described in division (B) of section 3317.016 of the Revised Code, including any student described in division (A)(1)(b) of this section and excluding any student reported under ~~division (B)(3)(e) divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section as enrolled in an internet- or computer-based community school;~~

(18) The enrollment of pupils reported under division (A)(1) or (2) of this section who are English learners described in division (C) of section 3317.016 of the Revised Code, including any student described in division (A)(1)(b) of this section and excluding any student reported under ~~division (B)(3)(e) divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section as enrolled in an internet- or computer-based community school;~~

(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;

(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.

(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;

(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;

(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;

(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;

(f) 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 five disabilities described in division (E) of section 3317.013 of the Revised Code;

(g) 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 six disabilities described in division (F) of section 3317.013 of the Revised Code.

(21) The enrollment of students who are economically disadvantaged, as defined by the department, including any student described in divisions (A)(1)(b) of this section and excluding any student reported under division (B)(3)(e) divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section as enrolled in an internet- or computer-based community school. A student shall not be categorically excluded from the number reported under division (B) (21) of this section based on anything other than family income.

(22) The enrollment of students identified as gifted under division (A), (B), (C), or (D) of section 3324.03 of the Revised Code.

(C)(1) The state board of education shall adopt rules necessary for implementing divisions (A), (B), and (D) of this section.

(2) A student enrolled in a community school established under 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 shall be counted in the formula ADM and, if applicable, the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school, the science, technology, engineering, and mathematics school, or the college-preparatory boarding school for purposes of section 3314.08, 3326.33, 3317.022 or 3328.24 of the Revised Code. Notwithstanding the enrollment of students certified reported pursuant to division ~~(B)(3)(d)~~ (A)(2)(a), (e) (i), or (j), or (k) of this section,

the department may adjust the formula ADM of a school district to account for students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a community school, a science, technology, engineering, and mathematics school, or a college-preparatory boarding school for only a portion of the school year.

(3) No child shall be counted as more than a total of one child in the sum of the enrollment of students of a school district under division (A), divisions (B)(1) to (22), or division (D) of this section, except as follows:

(a)(i) A child with a disability described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one, two, three, four, or five career-technical education ADM. As provided in division ~~(G)~~(M) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.

(ii) A child with a disability described in section 3317.013 of the Revised Code may be counted both in enrolled ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one, two, three, four, or five career-technical education ADM. As provided in division (M) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in enrolled ADM.

(b)(i) A child enrolled in career-technical education programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one, two, three, four, or five career-technical education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one, two, three, four, or five career-technical education ADM in the same proportion as the percentage of time that the child spends in the career-technical education programs or classes.

(ii) A child enrolled in career-technical education programs or classes described in section 3317.014 of the Revised Code may be counted both in enrolled ADM and category one, two, three, four, or five career-technical education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one, two, three, four, or five career-technical education ADM in the same proportion as the percentage of time that the child spends in the career-technical education programs or classes.

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in

section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school district shall report and certify to the superintendent of public instruction as of the last day of October, March, and June of each year the enrollment of students receiving services from schools under the superintendent's supervision so that the department can calculate the district's enrolled ADM, formula ADM, total ADM, category one through five career-technical education ADM, category one through three English learner ADM, category one through six special education ADM, and for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership.

The enrollment reported and certified by the superintendent, except as otherwise provided in this division, shall consist of the number of students in grades six through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) 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 report provided under division (D)(1) of this section the enrollment for each of the following categories of students:

(a) Students enrolled in each individual grade included in the joint vocational district schools, including any student described in division (D)(1)(b) of this section;

(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(d) Children with disabilities receiving special education services for

category three disabilities described in division (C) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(h) Students receiving category one career-technical education services, described in division (A)(1) of section 3317.014 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(i) Students receiving category two career-technical education services, described in division ~~(B)~~(A)(2) of section 3317.014 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(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, joint vocational, and cooperative education school district there shall be maintained a record of school enrollment, which record shall accurately show, for each day the school is in session, the actual enrollment in regular day classes. For the purpose of determining the enrollment of students, the enrollment figure of any school shall not include any pupils except those pupils described by division (A) or (D) of this section. The record of enrollment for each school shall be maintained in such manner that no pupil shall be counted as enrolled prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as enrolled from and after the date of such withdrawal. There shall not be included in the enrollment of any school any of the following:

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any pupil who is not a resident of the state;

(3) Any pupil who was enrolled in the schools of the district during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section;

(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge;

(5) Any pupil who has a certificate of high school equivalence as defined in section 5107.40 of the Revised Code.

If, however, any veteran described by division (E)(4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in the enrollment of students determined under this section.

Notwithstanding division (E)(3) of this section, the enrollment of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the assessment to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.

The enrolled ADM, formula ADM, total ADM, category one through five career-technical education ADM, category one through three English learner ADM, category one through six special education ADM, ~~preschool-scholarship ADM~~, transportation ADM, and, for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership of any school district shall be determined in accordance with rules adopted by the state board of education.

(F)(1) If a student attending a community school under 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 is not included in the formula ADM calculated for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the student in accordance with division (C)(2) of this section, ~~and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.~~

(2) If a student awarded an educational choice scholarship is not included in the formula ADM of the school district ~~from in~~ in which the department deducts funds for the scholarship under section 3310.08 of the Revised Code student resides, the department shall adjust the formula ADM of that school district to include the student ~~to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.~~

(3) If a student awarded a scholarship under the Jon Peterson special needs scholarship program is not included in the formula ADM of the school district ~~from in~~ in which the department deducts funds for the scholarship under section 3310.55 of the Revised Code student resides, the department shall adjust the formula ADM of that school district to include the student ~~to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.~~

(G)(1)(a) The superintendent of an institution operating a special

education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled;

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs 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, reported according to the categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the enrollment in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county board of developmental disabilities that maintains special education classes under section 3317.20 of the Revised Code or provides services to preschool children with disabilities pursuant to an agreement between the county board and the appropriate school district shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the enrollment in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the unduplicated count of the number of all preschool children with disabilities enrolled in classes for which the board 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, reported according to the categories prescribed in section 3317.013 of the Revised Code, and the number of those classes.

(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)(+) 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 instruction, in a manner prescribed by the state board of education, the applicable enrollments for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the enrollment certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the ~~formula ADM used for the purposes of payments under any section of Title XXXIII of the Revised Code~~ district's enrolled ADM, formula ADM, or both be adjusted in the amount of the error.

~~Sec. 3317.051. (A) As used in this section, "gifted-unit ADM" means a school district's formula ADM minus the number of students reported by a district under divisions (A)(2)(a) and (i) of section 3317.03 of the Revised Code.~~

~~(B)~~ The department of education shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section.

~~(C)~~(B) The department shall allocate gifted units for a school district as follows:

(1) For fiscal years 2022 and 2023:

(a) One gifted coordinator unit shall be allocated for every 3,300 students in a district's ~~gifted unit~~ enrolled ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district.

~~(2)(b)~~ One kindergarten through eighth grade gifted intervention specialist unit shall be allocated for every ~~1,400~~ 140 gifted students ~~in a district's gifted unit ADM enrolled in grades kindergarten through eight in the district, as certified under division (B)(22) of section 3317.03 of the Revised Code,~~ with a minimum of 0.3 units allocated for the district.

~~(D)(c)~~ One ninth through twelfth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades nine through twelve in the district, as certified under division (B)(22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(2) For fiscal year 2024 and each fiscal year thereafter, in the manner prescribed by the general assembly.

(C) The department shall pay the following an amount to a school district for gifted units as follows:

(a) For fiscal years 2022 and 2023, an amount equal to the following sum:

~~\$37,370 multiplied by (\$85,776 X the number of units allocated to a school district under division (E) (B)(1) of this section X the district's state share percentage) + (\$89,378 X the number of units allocated to a school district under division (B)(2) of this section X the district's state share percentage) + (\$80,974 X the number of units allocated to a school district under division (B)(3) of this section X the district's state share percentage)~~

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

~~(E)(D)~~ A school district may assign gifted unit funding that it receives under division ~~(D)(C)~~ of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district."

Delete lines 40286 through 40484 and insert:

"Sec. 3317.071. For fiscal years 2022 and 2023, the department of education shall implement a program to distribute bus purchasing grants of not less than \$45,000 to city, local, and exempted village school districts for the purpose of replacing the oldest and highest mileage buses in the state assigned to routes. The department shall annually collect age, mileage, and vehicle condition data from districts through its transportation data collection system.

Sec. 3317.072. (A) The transportation collaboration fund is hereby created in the state treasury for fiscal years 2022 and 2023. 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) For fiscal years 2022 and 2023, 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) For fiscal years 2022 and 2023, "base amount" is equal to \$356,250.

(2) For fiscal years 2022 and 2023, "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.

(3) For fiscal years 2022 and 2023, "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.

(4) For fiscal years 2022 and 2023, "student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.

(B)(1) For fiscal years 2022 and 2023, the department of education shall pay the governing board of each educational service center an amount equal to the following:

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]

(2) For fiscal year 2024 and each fiscal year thereafter, the

department shall pay the governing board of each educational service center an amount calculated in a manner determined by the general assembly.

(C) For fiscal years 2022 and 2023, the department shall calculate an amount for each educational service center as follows:

(1) If the educational service center has a student count of 5,000 students or less, the base amount.

(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:

The base amount + [(the educational service center's student count - 5,000) X \$24.72]

(3) If the educational service center has a student count greater than 35,000 students, the following sum:

The base amount + (30,000 X \$24.72) + [(the educational service center's student count - 35,000) X \$30.90]

Sec. 3317.16. (A) The department of education shall compute and distribute state core foundation funding to each funding unit that is a joint vocational school district for the fiscal year as prescribed in the following divisions follows:

For fiscal years 2022 and 2023:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (4), (5), and (6) of this section - the district's general funding base) 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)(3) of this section - the district's disadvantaged pupil impact aid funding base) X the district's phase-in percentage for disadvantaged pupil impact aid for that fiscal year]

For fiscal year 2024 and each fiscal year thereafter, the sum of the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (4), (5), and (6) of this section.

(A) A district's state core foundation funding components shall be all of the following:

(1) ~~An opportunity grant~~ The district's state share of the base cost, which is equal to the following:

(a) For fiscal years 2022 and 2023, an amount calculated according to the following formula:

(The formula amount X formula ~~ADM~~ district's base cost calculated under section 3317.012 of the Revised Code) - (0.0005 X the lesser of the district's three-year average valuation or the district's most recent valuation)

However, no district shall receive an ~~opportunity grant amount under division (A)(1) of this section~~ that is less than 0.05 times the ~~formula amount times formula ADM base cost calculated for the district under section 3317.012 of the Revised Code.~~

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:

(a) For fiscal years 2022 and 2023, the sum of the following:

~~(a)(i)~~ (i) The district's category one special education ADM X the amount multiple specified in division (A) 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;

~~(b)(ii)~~ (ii) 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)(iii)~~ (iii) 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)(iv)~~ (iv) 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)(v)~~ (v) 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)(vi)~~ (vi) 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.

(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM;

(iii) An amount calculated in a manner determined by the general

assembly times the funding unit's category three special education ADM;

(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;

(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.

(3) Economically disadvantaged funds Disadvantaged pupil impact aid calculated as follows:

(a) For fiscal years 2022 and 2023, an amount 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

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(4) English learner funds calculated as follows:

(a) For fiscal years 2022 and 2023, the sum of the following:

(a)(i) 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)(ii) 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;

(c)(iii) 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;

(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.

(5) Career-technical education funds calculated as the sum of the

following:

(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;

(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;

(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;

(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;

(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.

~~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.~~

(6) Career-technical education associated services funds calculated under the following formula:

The district's state share percentage X the amount for career-technical education associated services specified in section 3317.014 of the Revised Code X the sum of categories one through five career-technical education ADM

(7) A graduation bonus calculated according to the following formula:

~~The district's graduation rate as reported on its most recent report card issued by the department under section 3302.033 of the Revised Code X 0.075 X the formula amount X the number of the district's students who received high school or honors high school diplomas as reported by the district to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued X the district's state share percentage division (D) of section 3317.014 of the Revised Code.~~

(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of

documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.

(2) The district shall report under division (B)(1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(C)(1) For each student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational school district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under division (A) of this section.

Those excess costs shall be calculated using a formula approved by the department.

(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C)(1) of this section to the department of education.

(3) If the board of education of the joint vocational school district reports excess costs under division (C)(2) of this section, the department shall pay the amount of excess cost calculated under division (C)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (C)(3)(a) or (b) of this section, as applicable:

(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (J) of section 3317.023 of the Revised Code.

(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 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 under division (A)(6) of this section to any district that the department determines is not operating those services or is using funds paid 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, for other purposes.

~~(F)~~ A joint vocational school district shall spend the funds it receives under division (A)(3) of this section in accordance with section 3317.25 of the Revised Code.

~~(G)~~(E) For fiscal years 2022 and 2023, a school district shall spend the funds it receives under division (A)(4) of this section only for services for English learners.

~~(F)~~ As used in this section:

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section

3313.64 or 3313.65 of the Revised Code.

(3) "State share percentage" is equal to the following:

~~The amount computed under division (A)(1) of this section / (the formula amount X formula ADM)"~~

Delete lines 40603 through 40788 and insert:

"Sec. 3317.162. (A) For fiscal years 2022 and 2023, the department of education shall pay temporary transitional aid to each joint vocational school district according to the following formula:

(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)

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.

(B) If a joint vocational school district begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2022 or fiscal year 2023 but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall establish the district's funding base, as that term is defined in section 3317.02 of the Revised Code, 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.

Sec. 3317.20. This section does not apply to preschool children with disabilities.

(A) As used in this section:

(1) "Applicable special education amount" means the amount specified in section 3317.013 of the Revised Code for a disability described in that section.

(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.

(3) "State share ~~index~~ percentage" means the state share ~~index~~ percentage of the child's school district.

(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 equal to the ~~formula amount~~ following:

(1) For fiscal years 2022 and 2023, the statewide average base cost per pupil + (state share ~~index~~ percentage X the applicable special education

~~amount~~ multiple X the statewide average base cost per pupil);

(2) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly.

(C) Each county board of developmental disabilities shall report to the department, in the manner specified by the department, the name of each child for whom the county board of developmental disabilities provides special education and related services and the child's school district.

(D)(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is placed with a county board of developmental disabilities:

(a) The child's school district;

(b) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (D)(1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not been assigned a code, the district shall assign a code to that child and submit the code to the department by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child.

The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (D) of this section to any person except as provided by law.

(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.

Sec. 3317.201. This section does not apply to preschool children with disabilities.

(A) As used in this section, the "total special education amount" for an institution means the following:

(1) For fiscal years 2022 and 2023, the sum of the following amounts:

~~(1)(a)~~ (a) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving

services for a disability described in division (A) of section 3317.013 of the Revised Code multiplied by the ~~amount~~ multiple specified in that division multiplied by the statewide average base cost per pupil;

~~(2)(b)~~ The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (B) of section 3317.013 of the Revised Code multiplied by the ~~amount~~ multiple specified in that division multiplied by the statewide average base cost per pupil;

~~(3)(c)~~ The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (C) of section 3317.013 of the Revised Code multiplied by the ~~amount~~ multiple specified in that division multiplied by the statewide average base cost per pupil;

~~(4)(d)~~ The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (D) of section 3317.013 of the Revised Code multiplied by the ~~amount~~ multiple specified in that division multiplied by the statewide average base cost per pupil;

~~(5)(e)~~ The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (E) of section 3317.013 of the Revised Code multiplied by the ~~amount~~ multiple specified in that division multiplied by the statewide average base cost per pupil;

~~(6)(f)~~ The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (F) of section 3317.013 of the Revised Code multiplied by the ~~amount~~ multiple specified in that division multiplied by the statewide average base cost per pupil.

(2) For fiscal year 2024 and each fiscal year thereafter, the sum of the following amounts:

(a) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (A) of section 3317.013 of the Revised Code;

(b) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (B) of section 3317.013 of the Revised Code;

(c) An amount calculated in a manner determined by the general

assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (C) of section 3317.013 of the Revised Code;

(d) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (D) of section 3317.013 of the Revised Code;

(e) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (E) of section 3317.013 of the Revised Code;

(f) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (F) of section 3317.013 of the Revised Code.

(B) For each fiscal year, the department of education shall pay each state institution required to provide special education services under division (A) of section 3323.091 of the Revised Code an amount equal to the institution's total special education amount.

Sec. 3317.25. (A) As used in this section, "~~economically-disadvantaged funds~~ disadvantaged pupil impact aid" means the following:

(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;

(2) For a joint vocational school district, the funds received under division (A)(3) of section 3317.16 of the Revised Code;

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division ~~(C)(1)(e)(A)(4)(b)~~ of section 3314.08 of the Revised Code;

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division ~~(E)(A)(4)(b)~~ of section 3326.33 of the Revised Code.

(B) ~~In any fiscal year~~ (1) For fiscal years 2022 and 2023, 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:

- (1)(a) Extended school day and school year;
- (2)(b) Reading improvement and intervention;
- (3)(c) Instructional technology or blended learning;
- (4)(d) Professional development in reading instruction for teachers of students in kindergarten through third grade;
- (5)(e) Dropout prevention;
- (6)(f) School safety and security measures;
- (7)(g) Community learning centers that address barriers to learning;
- (8)(h) Academic interventions for students in any of grades six through twelve;

(9)(i) 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;

(j) Mental health services, including telehealth services;

(k) Culturally appropriate, evidence-based or evidence-informed prevention education, including youth-led programming and social and emotional learning curricula to promote mental health and prevent substance use and suicide;

(l) Services for homeless youth;

(m) Services for child welfare involved youth;

(n) Community liaisons or programs that connect students to community resources, including city connects, communities in schools, and other similar programs;

(o) Physical health care services, including telehealth services;

(p) Family engagement and support services;

(q) Student services provided prior to or after the regularly scheduled school day or any time school is not in session, including mentoring programs.

(2) For fiscal year 2024 and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school shall spend the disadvantaged pupil impact aid it receives for one or more initiatives specified by the general assembly.

(C)(1) For fiscal years 2022 and 2023, 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 at least one of the following community partners:

(a) A board of alcohol, drug, and mental health services established

under Chapter 340. of the Revised Code:

- (b) An educational service center;
- (c) A county board of developmental disabilities;
- (d) A community-based mental health treatment provider;
- (e) A board of health of a city or general health district;
- (f) A county department of job and family services;
- (g) A nonprofit organization with experience serving children;
- (h) A public hospital agency.

(2) For fiscal year 2024 and each fiscal year thereafter, 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 the manner specified by the general assembly, if the general assembly requires city, local, exempted village, and joint vocational school districts, community schools, and STEM schools to develop such a plan.

~~At (D)~~ After 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 education describing the initiative or initiatives on which the district's or school's ~~economically-disadvantaged funds~~ disadvantaged pupil impact aid were spent during that fiscal year. For fiscal years 2022 and 2023, this report shall be submitted in a manner prescribed by the department and shall also describe the amount of money that was spent on each initiative.

~~(D)~~(E) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the General Assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code."

After line 41414, insert:

"Sec. 3319.57. (A) A grant program is hereby established under which the department of education shall award grants to assist certain schools in a city, exempted village, local, or joint vocational school district in implementing one of the following innovations:

- (1) The use of instructional specialists to mentor and support classroom teachers;
- (2) The use of building managers to supervise the administrative functions of school operation so that a school principal can focus on supporting instruction, providing instructional leadership, and engaging teachers as part of the instructional leadership team;
- (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;

(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;

(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;

(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;

(7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size;

(8) The provision of incentives to attract qualified mathematics, science, or special education teachers;

(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;

(10) The implementation of a program to increase the cultural competency of both new and veteran teachers;

(11) The implementation of a program to increase the subject matter competency of veteran teachers.

(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:

(1) Be hard to staff, as defined by the department.

(2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share ~~index~~ percentage for the fiscal year in which the grant is awarded).

For purposes of division (B)(2) of this section, "state share ~~index~~ percentage" has the same meaning as in section 3317.02 of the Revised Code.

(C) The amount and number of grants awarded under this section shall be determined by the department based on any appropriations made by the general assembly for grants under this section.

(D) The state board of education shall adopt rules for the administration of this grant program."

After line 41629, insert:

"Sec. 3324.05. (A) Each school district shall submit an annual report to the department of education specifying the number of students in each of grades kindergarten through twelve screened, the number assessed, and the number identified as gifted in each category specified in section 3324.03 of the Revised Code. For fiscal years 2022 and 2023, this report shall also specify the number of students served in each category specified in section 3324.03 of the Revised Code.

(B) For fiscal years 2022 and 2023, not later than the thirty-first day of October, the department shall publish both of the following using data submitted by school districts under the education management information system established under section 3301.0714 of the Revised Code:

(1) Services offered by each school district to students identified as gifted in each of the following grade bands:

(a) Kindergarten through third grade;

(b) Fourth through eighth grade;

(c) Ninth through twelfth grade.

(2) The number of licensed gifted intervention specialists and coordinators employed or contracted by each school district.

(C) The department of education shall audit each school district's identification 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. If a school district's audit under this division occurs during fiscal year 2022 or 2023, the department shall also audit the district's service numbers.

~~(E)(D)~~ The department shall provide technical assistance to any district found in noncompliance under division ~~(B)~~ (C) of this section. ~~The~~ For fiscal years 2022 and 2023, the department may shall reduce funds received by the district under Chapter 3317. of the Revised Code by any amount if the district continues to be noncompliant. For fiscal year 2024 and each fiscal year thereafter, the department may reduce funds received by the district under Chapter 3317. of the Revised Code by any amount if the district continues to be noncompliant.

Sec. 3324.09. ~~Not~~ (A) For fiscal years 2022 and 2023, 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 funds received for the previous fiscal year by each school district under division (A)(7) (A)(6) of section 3317.022 of the Revised Code for the identification of and services provided to the district's gifted students and each district's expenditures of those funds.

(B) For fiscal year 2024 and each fiscal year thereafter, not later than the thirtieth day of October, the department shall publish on its web site each school district's expenditures for the previous fiscal year of funds received under division (A)(6) of section 3317.022 of the Revised Code for the identification of and services provided to the district's gifted students."

Delete lines 42408 through 42430 and insert:

"Sec. 3326.32. Each science, technology, engineering, and mathematics school shall report to the department of education, in the form and manner required by the department, all of the following information:

(A) The total number of students enrolled in the school who are residents of this state;

(B) The number of students reported under division (A) of this section who are receiving special education and related services pursuant to an IEP;

(C) For each student reported under division (B) of this section, which category specified in divisions (A) to (F) of section 3317.013 of the Revised Code applies to the student;

(D) The full-time equivalent number of students reported under division (A) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(1), ~~(B) (2)~~, ~~(C) (3)~~, ~~(D) (4)~~, and ~~(E) (5)~~ of section 3317.014 of the Revised Code that are provided by the STEM school;

(E) The number of students reported under division (A) of this section who are English learners and which category specified in divisions (A) to (C) of section 3317.016 of the Revised Code applies to each student;

(F) The number of students reported under division (A) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (F) of this section based on anything other than family income.

(G) The resident district of each student reported under division (A) of this section;

(H) The total number of students enrolled in the school who are not residents of this state and any additional information regarding these students that the department requires the school to report. The school shall not receive any payments under this chapter for students reported under this division.

(I) Any additional information the department determines necessary to make payments under this chapter."

Delete lines 42445 through 42472 and insert:

"Sec. 3326.39. (A) In any fiscal year, a STEM school receiving funds calculated under division ~~(G)~~ ~~(A)(7)~~ of section ~~3326.33~~ 3317.022 of the

Revised Code shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical ~~educational~~ 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 to report data annually so that the department may monitor the school's compliance with the requirements regarding the manner in which funding received under division ~~(G)~~ ~~(A)(8)~~ of section ~~3326.33~~ 3317.022 of the Revised Code may be spent.

(B) All funds received under division ~~(G)~~ ~~(A)(7)~~ of section ~~3326.33~~ 3317.022 of the Revised Code 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.

(C) In any fiscal year, a science, technology, engineering, and mathematics school receiving funds under division (H) of section 3317.014 of the Revised Code 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.

The department may deny payment under division (E) of section 3317.014 of the Revised Code 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."

In line 42474, delete "~~(A)(5)~~" and insert "~~(A)(4)~~"

Delete lines 42477 through 42562 and insert:

"Sec. 3326.44. For fiscal years 2022 and 2023, a STEM school shall spend the funding it receives under division (A)(5) of section 3317.022 of the Revised Code only for services for English learners.

Sec. 3326.51. (A) As used in this section:

(1) "Resident district" has the same meaning as in section 3326.31 of the Revised Code.

(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.

(B) Notwithstanding any other provision of this chapter to the contrary:

(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 committee approves that proposal, that school district board shall govern and control the STEM school as one of the schools of its district.

(2) The STEM school sponsoring district shall maintain a separate accounting for the STEM school as a separate and distinct operational unit within the district's finances. The auditor of state, in the course of an annual or biennial audit of the school district serving as the STEM school sponsoring district, shall audit that school district for compliance with the financing requirements of this section.

(3) With respect to students enrolled in a STEM school whose resident district is the STEM school sponsoring district:

(a) The department of education shall make ~~no deductions under section 3326.33~~ payments to the school in accordance with section 3317.022 of the Revised Code from the STEM school sponsoring district's state payments.

~~(b) The STEM school sponsoring district shall ensure that it allocates to the STEM school funds equal to or exceeding the amount that would be calculated pursuant to division (B) of section 3313.981 of the Revised Code for the students attending the school whose resident district is the STEM school sponsoring district.~~

(e) The STEM school sponsoring district is responsible for providing children with disabilities with a free appropriate public education under Chapter 3323. of the Revised Code.

~~(d)~~(c) The STEM school sponsoring district shall provide student transportation in accordance with laws and policies generally applicable to

the district.

(4) With respect to students enrolled in the STEM school whose resident district is another school district, the department shall ~~make no payments or deductions under sections 3326.31 to 3326.49 of the Revised Code. Instead, consider~~ the students shall be considered as open enrollment students and ~~the department shall make payments and deductions to the school~~ in accordance with section ~~3313.981~~ 3317.022 of the Revised Code. ~~The STEM school sponsoring district shall allocate the payments to the STEM school. The STEM school sponsoring district may enter into financial agreements with the students' resident districts, which agreements may provide financial support in addition to the funds received from the open enrollment calculation. The STEM school sponsoring district shall allocate all such additional funds to the STEM school.~~

(5) ~~Where the department is required to make, deny, reduce, or adjust payments to a STEM school sponsoring district pursuant to this section, it shall do so in such a manner that the STEM school sponsoring district may allocate that action to the STEM school.~~

(6) A STEM school sponsoring district and its board may assign its district employees to the STEM school, in which case section 3326.18 of the Revised Code shall not apply. The district and board may apply any other resources of the district to the STEM school in the same manner that it applies district resources to other district schools.

~~(7)~~(6) Provisions of this chapter requiring a STEM school and its governing body to comply with specified laws as if it were a school district and in the same manner as a board of education shall instead require such compliance by the STEM school sponsoring district and its board of education, respectively, with respect to the STEM school. Where a STEM school or its governing body is required to perform a specific duty or permitted to take a specific action under this chapter, that duty is required to be performed or that action is permitted to be taken by the STEM school sponsoring district or its board of education, respectively, with respect to the STEM school.

~~(8)~~(7) No provision of this chapter limits the authority, as provided otherwise by law, of a school district and its board of education to levy taxes and issue bonds secured by tax revenues.

~~(9)~~(8) The treasurer of the STEM school sponsoring district or, if the STEM school sponsoring district is a municipal school district, the chief financial officer of the district, shall have all of the respective rights, authority, exemptions, and duties otherwise conferred upon the treasurer or chief financial officer by the Revised Code."

After line 42900, insert:

"Sec. 3328.32. Each child enrolled in a college-preparatory boarding school established under this chapter shall be included in the enrollment formula ADM and total ADM of the district in which the child is entitled to attend school ~~and in the district's category one through six special education enrollment, as appropriate,~~ as reported under section 3317.03 of the Revised Code.

The department of education shall count that child in the district's formula ADM, total ADM, and, as appropriate, category one through six special education ADM.

Sec. 3328.34. (A) For each child enrolled in a college-preparatory boarding school, as reported under section 3328.31 of the Revised Code, the department of education shall pay to the school the sum of the amount ~~deducted from a participating school district's account for that child under section 3328.33 of the Revised Code~~ eighty-five per cent of the operating expenditure per pupil of the city, local, or exempted village school district in which the child is entitled to attend school plus the per-pupil boarding amount specified in division (B) of this section.

As used in this division, a district's "operating expenditure per pupil" is the total amount of state payments and other nonfederal revenue spent by the district for operating expenses during the previous fiscal year, divided by the district's enrolled ADM, as that term is defined in section 3317.02 of the Revised Code, for the previous fiscal year.

(B) For the first fiscal year in which a college-preparatory boarding school may be established under this chapter, the "per-pupil boarding amount" is twenty-five thousand dollars. For each fiscal year thereafter, that amount shall be adjusted by the rate of inflation, as measured by the consumer price index (all urban consumers, all items) prepared by the bureau of labor statistics of the United States department of labor, for the previous twelve-month period.

(C) The state board of education may accept funds from federal and state noneducation support services programs for the purpose of funding the per pupil boarding amount prescribed in division (B) of this section. Notwithstanding any other provision of the Revised Code, the state board shall coordinate and streamline any noneducation program requirements in order to eliminate redundant or conflicting requirements, licensing provisions, and oversight by government programs or agencies. The applicable regulatory entities shall, to the maximum extent possible, use reports and financial audits provided by the auditor of state and coordinated by the department of education to eliminate or reduce contract and administrative reviews. Regulatory entities other than the state board may suggest reasonable additional items to be included in such reports and financial audits to meet any requirements of federal law. Reporting

paperwork prepared for the state board shall be shared with and accepted by other state and local entities to the maximum extent feasible.

(D)(1) Notwithstanding division (A) of this section, if, in any fiscal year, a college-preparatory boarding school receives federal funds for the purpose of supporting the school's operations, the amount of those federal funds shall be deducted from the total per-pupil boarding amount for all enrolled students paid by the department to the school for that fiscal year, unless the school's board of trustees and the department determine otherwise in a written agreement. Any portion of the total per-pupil boarding amount for all enrolled students remaining after the deduction of the federal funds shall be paid by the department to the school from state funds appropriated to the department.

(2) Notwithstanding division (A) of this section, if, in any fiscal year, the department receives federal funds for the purpose of supporting the operations of a college-preparatory boarding school, the department shall use those federal funds, not including any portion of those funds designated for administration, to pay the school the total per-pupil boarding amount for all enrolled students for that fiscal year. Any portion of the total per-pupil boarding amount for all enrolled students remaining after the use of the federal funds shall be paid by the department to the school from state funds appropriated to the department.

(3) If any federal funds are used for the purpose prescribed in division (D)(1) or (2) of this section, the department shall comply with all requirements upon which the acceptance of the federal funds is conditioned, including any requirements set forth in the funding application submitted by the school or the department and, to the extent sufficient funds are appropriated by the general assembly, any requirements regarding maintenance of effort in expenditures."

In line 43864, strike through "has the same meaning as in section"

In line 43865, strike through "3317.02 of the Revised Code" and insert "means \$6,020"

In line 80585, after "3313.6114," insert "3313.64,"

In line 80587, after "3313.979," insert "3313.98, 3313.981,"

In line 80591, delete "3317.017," and insert "3315.18, 3317.013, 3317.014, 3317.016,"; after "3317.02," insert "3317.021,"; after "3317.024," insert "3317.028,"; after "3317.0212," insert "3317.0213,"

In line 80592, delete "3317.0215, 3317.0216, 3317.0217, 3317.0218, 3317.0219,"

In line 80594, delete "3317.163," and insert "3317.20, 3317.201,"; delete "3317.26,"

In line 80595, after "3319.31," insert "3319.57,"; after "3319.99,"

insert "3324.05, 3324.09,"

In line 80597, delete "3326.34," and insert "3326.32,"

In line 80598, after "3328.24," insert "3328.32, 3328.34,"

In line 80649, after "3314.53," insert "3317.017,"; after "3317.029," insert "3317.0215, 3317.0216, 3317.0217, 3317.0218, 3317.0219, 3317.163, 3317.26,"

In line 80650, after "3326.42," insert "3328.33,"

In line 86808, delete "\$536,660,589 \$541,660,589" and insert "\$656,379,809 \$680,379,809"

In line 86813, delete "\$9,890,892 \$9,890,892" and insert "\$14,090,892 \$18,290,892"

In line 86814, delete "\$6,961,998,712 \$7,106,098,712" and insert "\$6,937,998,712 \$7,079,848,712"

In line 86821, add \$99,919,220 to fiscal year 2022 and \$120,869,220 to fiscal year 2023

In line 86830, delete "\$661,000,000 \$842,000,000" and insert "\$500,000,000 \$600,000,000"

After line 86830a, insert:

"5VU0 200663 School Bus Purchase \$50,000,000 \$0"

In line 86832, subtract \$111,000,000 from fiscal year 2022 and \$242,000,000 from fiscal year 2023

In line 86839, delete "\$1,243,700,000 \$1,222,000,000" and insert "\$1,264,200,000 \$1,242,500,000"

In line 86843, add \$20,500,000 to each fiscal year

In line 86873, add \$9,419,220 to fiscal year 2022 and subtract \$100,630,780 from fiscal year 2023

Delete lines 87421 through 87442 and insert:

"Of the foregoing appropriation item 200502, Pupil Transportation, up to \$838,930 in each fiscal year may be used by the Department of Education for training prospective and experienced school bus drivers in accordance with training programs prescribed by the Department. A portion of these funds may also be used to pay for costs associated with the enrollment of bus drivers in the retained applicant fingerprint database.

Of the foregoing appropriation item 200502, Pupil Transportation, \$250,000 in each fiscal year shall be used to award transportation collaboration grants pursuant to section 3317.072 of the Revised Code.

Of the foregoing appropriation item 200502, Pupil Transportation, up to \$117,469,220 in fiscal year 2022 and up to \$123,469,220 in fiscal year

2023 may be used by the Department for special education transportation reimbursements to school districts and county DD boards for transportation operating costs as provided in divisions (C) and (F) of section 3317.024 of the Revised Code.

The remainder of the foregoing appropriation item 200502, Pupil Transportation, shall be used to distribute the amounts calculated for transportation aid under divisions (E), (F), (G), (H), and (I) of section 3317.0212, and division (A)(2) of section 3317.019 of the Revised Code."

Delete lines 87503 through 87572 and insert:

"Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$37,000,000 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code and at institutions for eligible students under section 3317.201 of the Revised Code. If necessary, the Department of Education shall proportionately reduce the amount calculated for each county board of developmental disabilities and institution so as not to exceed the amount appropriated in each fiscal year.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$1,350,000 in each fiscal year shall be used for parent mentoring programs.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$3,000,000 in each fiscal year may be used for school psychology interns.

Of the foregoing appropriation item 200540, Special Education Enhancements, the Department shall transfer \$3,500,000 in each fiscal year to the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used by the Opportunities for Ohioans with Disabilities Agency as state matching funds to draw down available federal funding for vocational rehabilitation services. Total project funding shall be used to hire dedicated vocational rehabilitation counselors who shall work directly with school districts to provide transition services for students with disabilities. Services shall include vocational rehabilitation services such as person-centered career planning, summer work experiences, job placement, and retention services for mutually eligible students with disabilities.

The Superintendent of Public Instruction and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement that shall specify the responsibilities of each agency under the program. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for all nondelegable functions, including eligibility and order of selection

determination, individualized plan for employment (IPE) approval, IPE amendments, case closure, and release of vendor payments.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$2,000,000 in each fiscal year shall be used by the Department of Education to build capacity to deliver a regional system of training, support, coordination, and direct service for secondary transition services for students with disabilities beginning at fourteen years of age. These special education enhancements shall support all students with disabilities, regardless of partner agency eligibility requirements, to provide stand-alone direct secondary transition services by school districts. Secondary transition services shall include, but not be limited to, job exploration counseling, work-based learning experiences, counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education, workplace readiness training to develop occupational skills, social skills and independent living skills, and instruction in self-advocacy. Regional training shall support the expansion of transition to work endorsement opportunities for middle school and secondary level special education intervention specialists in order to develop the necessary skills and competencies to meet the secondary transition needs of students with disabilities beginning at fourteen years of age.

The remainder of appropriation item 200540, Special Education Enhancements, shall be distributed by the Department of Education to school districts and institutions, as defined in section 3323.091 of the Revised Code, for preschool special education funding under section 3317.0213 of the Revised Code."

Delete lines 87594 through 89156 and insert:

**"Section 265.200. CAREER-TECHNICAL EDUCATION
ENHANCEMENTS**

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$4,200,000 in fiscal year 2022 and up to \$8,400,000 in fiscal year 2023 shall be used to pay career awareness and exploration funds pursuant to division (E) of section 3317.014 of the Revised Code. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$2,563,568 in each fiscal year shall be used to fund secondary career-technical education at institutions, the Ohio School for the Deaf, and the Ohio State School for the Blind using a grant-based methodology, notwithstanding section 3317.05 of the Revised Code.

Of the foregoing appropriation item 200545, Career-Technical

Education Enhancements, up to \$2,686,474 in each fiscal year shall be used by the Department of Education to fund competitive grants to tech prep regional centers that expand the number of students with access to career-technical education. These grant funds shall be used to directly support career services provided to students enrolled in school districts, including joint vocational school districts, and affiliated higher education institutions. This support may include the purchase of equipment.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$3,000,850 in each fiscal year shall be used by the Department to support existing High Schools That Work (HSTW) sites, develop and support new sites, fund technical assistance, and support regional centers and middle school programs. The purpose of HSTW is to combine challenging academic courses and modern career-technical studies to raise the academic achievement of students. HSTW provides intensive technical assistance, focused staff development, targeted assessment services, and ongoing communications and networking opportunities.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$600,000 in each fiscal year shall be used by the Department to enable students in agricultural programs to enroll in a fifth quarter of instruction based on the agricultural education model of delivering work-based learning through supervised agricultural experience. The Department shall determine eligibility criteria and the reporting process for the Agriculture 5th Quarter Project and shall fund as many programs as possible given the set-aside. The eligibility criteria developed by the Department shall allow these funds to support supervised agricultural experience that occurs anytime outside of the regular school day.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$240,000 in each fiscal year shall be used to support the Ohio Code-Scholar Pilot Program created in section 3313.905 of the Revised Code.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$550,000 in each fiscal year may be used to support career planning and reporting through the OhioMeansJobs web site.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$250,000 in each fiscal year shall be used to prepare students for careers in culinary arts and restaurant management under the Ohio ProStart school restaurant program.

Section 265.210. FOUNDATION FUNDING - ALL STUDENTS

Of the portion of the formula aid distributed to city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools under this section, an amount in each fiscal year, as calculated by the Department of Education, shall be used

for the purposes of division (B) of section 3317.0215 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$3,800,000 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$42,500,000 in fiscal year 2022 and up to \$45,000,000 in fiscal year 2023 shall be reserved to fund the state reimbursement of educational service centers under section 3317.11 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$3,500,000 in each fiscal year shall be distributed to educational service centers for School Improvement Initiatives and for the provision of technical assistance to schools and districts consistent with requirements of section 3312.01 of the Revised Code. The Department may distribute these funds through a competitive grant process.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$7,000,000 in each fiscal year shall be reserved for payments under the section of this act entitled "POWER PLANT VALUATION ADJUSTMENT." If this amount is not sufficient, the Superintendent of Public Instruction may reallocate excess funds for other purposes supported by this appropriation item in order to fully pay the amounts required by that section, provided that the aggregate amount appropriated in appropriation item 200550, Foundation Funding - All Students, is not exceeded.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$2,000,000 in each fiscal year shall be used to support the administration of state scholarship programs.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$3,000,000 in each fiscal year may be used for payment of the College Credit Plus Program for students instructed at home pursuant to section 3321.04 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, an amount shall be available in each fiscal year to be paid to joint vocational school districts in accordance with sections 3317.16 and 3317.162 of the Revised Code and the section of this act entitled "FORMULA TRANSITION SUPPLEMENT."

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$700,000 in each fiscal year shall be used by the

Department for a program to pay for educational services for youth who have been assigned by a juvenile court or other authorized agency to any of the facilities described in division (A) of the section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT."

Of the foregoing appropriation item 200550, Foundation Funding - All Students, a portion may be used to pay college-preparatory boarding schools the per pupil boarding amount pursuant to section 3328.34 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$1,760,000 in each fiscal year may be used by the Department for duties and activities related to the establishment of academic distress commissions under section 3302.10 of the Revised Code, to provide support and assistance to academic distress commissions to further their duties under Chapter 3302. of the Revised Code, and to provide technical assistance and tools to support districts subject to academic distress commissions.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$1,500,000 in each fiscal year shall be distributed to the Ohio STEM Learning Network to support the expansion of free STEM programming aligned to Ohio's STEM priorities, to create regional STEM supports targeting underserved student populations, and to support the Ohio STEM Committee's STEM school designation process.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$2,500,000 in each fiscal year shall be used to make supplemental payments under Section 5 of H.B. 123 of the 133rd General Assembly, as amended by this act. If the amount appropriated is insufficient, the Department shall prorate the payments so that the aggregate amount appropriated in this section is not exceeded.

The remainder of the foregoing appropriation item 200550, Foundation Funding - All Students, shall be used to distribute the amounts calculated for formula aid under division (B) of section 3313.979, division (A)(1) of section 3317.019, section 3317.022 of the Revised Code, and the section of this act entitled "FORMULA TRANSITION SUPPLEMENT."

Appropriation items 200502, Pupil Transportation, and 200550, Foundation Funding - All Students, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM schools, college preparatory boarding schools, joint vocational school districts, and state scholarship programs under this act. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other General Revenue Fund appropriation items in the

Department of Education's budget, including appropriation item 200903, Property Tax Reimbursement - Education, in each fiscal year in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department's budget to meet state formula aid obligations, the Superintendent of Public Instruction shall seek approval from the Director of Budget and Management to transfer funds as needed.

The Superintendent of Public Instruction shall make payments, transfers, and deductions, as authorized by Title XXXIII of the Revised Code in amounts substantially equal to those made in the prior year, or otherwise, at the discretion of the Superintendent, until at least the effective date of the amendments and enactments made to Title XXXIII of the Revised Code by this act. Any funds paid to districts or schools under this section shall be credited toward the annual funds calculated for the district or school after the changes made to Title XXXIII of the Revised Code in this act are effective. Upon the effective date of changes made to Title XXXIII of the Revised Code in this act, funds shall be calculated as an annual amount.

Section 265.215. GENERAL PHASE-IN PERCENTAGE

For purposes of division (X)(1) of section 3317.02 of the Revised Code, the General Assembly has determined that the general phase-in percentage for fiscal year 2022 shall be 16.67 per cent and the general phase-in percentage for fiscal year 2023 shall be 33.33 per cent.

Section 265.220. PHASE-IN PERCENTAGE FOR DISADVANTAGED PUPIL IMPACT AID

For purposes of division (X)(2) of section 3317.02 of the Revised Code, the General Assembly has determined that the phase-in percentage for disadvantaged pupil impact aid for fiscal year 2022 shall be 0 per cent and the phase-in percentage for disadvantaged pupil impact aid for fiscal year 2023 shall be 14 per cent.

Section 265.225. FORMULA TRANSITION SUPPLEMENT

(A)(1) For fiscal years 2022 and 2023, the Department of Education shall pay a formula transition supplement to each city, local, and exempted village school district according to the following formula:

(The district's funding base for fiscal year 2021) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.019, 3317.022, and 3317.0212 of the Revised Code)

If the computation made under division (A)(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 (A)(1) of this section, a city, local, or

exempted village school district's "funding base for fiscal year 2021" means the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2021 under division (A)(1) of Section 265.220 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 and before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(ii) The amount calculated for the district for fiscal year 2021 under division (A)(2) of Section 265.220 of H.B. 166 of the 133rd General Assembly before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The amount calculated for the district for fiscal year 2021 under division (B) of Section 265.220 of H.B. 166 of the 133rd General Assembly;

(iv) The district's payments for fiscal year 2021 under divisions (C) (1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed for payments for fiscal year 2021;

(v) The district's payments for fiscal year 2021 under section 3317.0219 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(b) Subtract from the amount calculated in division (A)(2)(a) of this section the sum of the following:

(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, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(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, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D,

issued on January 22, 2021;

(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;

(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 the fiscal year for which the supplement is calculated 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 as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(C)(1) For fiscal years 2022 and 2023, the Department of Education shall pay a formula transition supplement to each community school established under Chapter 3314. of the Revised Code according to the following formula:

[(The school's funding base for fiscal year 2021 / the number of

students enrolled in the school for fiscal year 2021) – (the school's payments for the fiscal year for which the supplement is calculated under sections 3317.022 and 3317.0212 of the Revised Code / the number of students enrolled in the school for the fiscal year for which the supplement is calculated)] X the number of students enrolled in the school for the fiscal year for which the supplement is calculated.

If the computation made under division (C)(1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (C)(1) of this section, a community school's "funding base for fiscal year 2021" means the sum of the following:

(a) The amount calculated for the school for fiscal year 2021 under division (C)(1) of section 3314.08 of the Revised Code as that section existed for payments for fiscal year 2021, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(b) The amount calculated for the school for fiscal year 2021 under section 3314.085 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 2021 under division (D)(1) of section 3314.091 of the Revised Code as that division existed for payments for fiscal year 2021;

(d) The amount calculated for the school for fiscal year 2021 under section 3314.088 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(D)(1) For fiscal years 2022 and 2023, the Department of Education shall pay a formula transition supplement to each science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code according to the following formula:

$$[(\text{The school's funding base for fiscal year 2021} / \text{the number of students enrolled in the school for fiscal year 2021}) - (\text{the school's payments for the fiscal year for which the supplement is calculated under section 3317.022 of the Revised Code} / \text{the number of students enrolled in the school for the fiscal year for which the supplement is calculated})] \times \text{the number of students enrolled in the school for the fiscal year for which the supplement is calculated.}$$

If the computation made under division (D)(1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (D)(1) of this section, a science,

technology, engineering, and mathematics school's "funding base for fiscal year 2021" means the sum of the following:

(a) The amount calculated for the school for fiscal year 2021 under section 3326.33 of the Revised Code as that section existed for payments for fiscal year 2021, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(b) The amount calculated for the school for fiscal year 2021 under section 3326.41 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 2021 under section 3326.42 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

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:

(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2021 was less than the taxable value of such property during tax year 2017;

(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2021 was less than the taxable value of such property during tax year 2020.

(2) If the decrease determined under division (A)(1)(a) or (b) of this section exceeds ten per cent, the Tax Commissioner shall certify all of the following to the Department of Education and the Office of Budget and Management:

(a) The district's total taxable value for tax year 2021;

(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2021;

(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;

(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.

(3) Upon receipt of a certification under division (A)(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 (A)(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:

(a) The lesser of the following:

(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (A)(3) of this section and the district's recomputed state education aid for fiscal year 2019;

(ii) The absolute value of the amount certified under division (A)(2) (b) of this section.

(b) The absolute value of the amount certified under division (A)(2) (b) of this section X 0.50.

(B)(1) On or before May 15, 2023, the Tax Commissioner shall determine for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:

(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2022 was less than the taxable value of such property during tax year 2017;

(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2022 was less than the taxable value of such property during tax year 2021.

(2) If the decrease determined under division (B)(1)(a) or (b) of this section exceeds ten per cent, the Tax Commissioner shall certify all of the following to the Department of Education and the Office of Budget and Management:

(a) The district's total taxable value for tax year 2022;

(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2022;

(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;

(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.

(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:

(a) The lesser of the following:

(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;

(ii) The absolute value of the amount certified under division (B)(2) (b) of this section.

(b) The absolute value of the amount certified under division (B)(2) (b) of this section X 0.50.

(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."

In line 89211, after "Funding" insert " – All Students"

Delete lines 89349 through 89409 and insert:

"Section 265.323. FOUNDATION FUNDING - ALL STUDENTS

(A) The foregoing appropriation item 200604, Foundation Funding - All Students, shall be used in conjunction with appropriation items 200550, Foundation Funding - All Students, and 200612, Foundation Funding - All Students, to distribute the amounts calculated for disadvantaged pupil impact aid under sections 3317.022 and 3317.16 of the Revised Code and the portions of the state share of the base cost calculated under those sections that are attributable to the staffing cost for the student wellness and success component of the base cost, as determined by the Department of Education.

(B) For each of fiscal years 2022 and 2023, the Department of Education shall notify each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code of the portion of the district's or school's state share of the base cost calculated under section 3317.022 or 3317.16 of the Revised Code that is attributable to the staffing cost for the student wellness and success component of the base cost, as determined by the Department. Each district or school shall spend that amount for any of the initiatives or a combination of any of the initiatives described in divisions (B)(1)(j) to (q) of section 3317.25 of the Revised Code. After the end of each fiscal year, each district and school shall submit a report to the Department, in a manner prescribed by the Department, describing the initiative or initiatives on which the district's or school's funds were spent during that fiscal year.

(C) If a district or school spends student wellness and success funds it received for fiscal year 2020 or fiscal year 2021 on or after the date on

which section 3317.26 of the Revised Code is repealed by this act, those funds shall be spent in accordance with that section as it existed prior to its repeal by this act. The Department may require districts and schools to report how all of those funds are spent.

Section 265. . SCHOOL BUS PURCHASE

The foregoing appropriation item 200663, School Bus Purchase, shall be used to distribute bus purchasing grants to city, local, and exempted village school districts pursuant to section 3317.071 of the Revised Code.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 200663, School Bus Purchase, at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

Section 265.330. LOTTERY PROFITS EDUCATION FUND

The foregoing appropriation item 200612, Foundation Funding - All Students, shall be used in conjunction with appropriation item 200550, Foundation Funding - All Students, to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code.

The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding - All Students, and appropriation item 200612, Foundation Funding - All Students. If adjustments to the monthly distribution schedule are necessary, the Department shall make such adjustments with the approval of the Director."

Delete lines 89557 through 89584

In line 97349, after "STUDENTS" insert "FUND"

In line 97351, delete "\$661,000,000" and insert "\$500,000,000"

In line 97352, delete "\$842,000,000" and insert "\$600,000,000"

After line 97355, insert:

"Section 512. __. GENERAL REVENUE FUND TRANSFER TO SCHOOL BUS PURCHASE FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$50,000,000 cash from the General Revenue Fund to the School Bus Purchase Fund (Fund 5VU0)."

In line 97856, delete "the following."

Delete line 97857

In line 97858, delete "(b) For fiscal year 2023."

In line 97859, delete "(a)"; reinsert "H.B. 166 of the 133rd General Assembly"

In line 97860, delete "this act"; reinsert "2020"; delete "2022"

In line 97861, reinsert "2021"; delete "2023"

In line 97918, reinsert "division (C)(1)(a) of"; reinsert "3314.08"; delete "3317.022"

In line 99183, delete everything after "**Section 715.30.**"

Delete lines 99184 through 99294 and insert "The Department of Natural Resources shall meet with the Malabar Farm Foundation within thirty days after the effective date of this section to discuss entering into agreements to mutually support and advance the shared objectives of protecting, conserving, and educating the public concerning Malabar Farm State Park and the legacy of Louis Bromfield.

After the first meeting, the Department and the Foundation shall meet every other month until June 30, 2022, at which point the Department and Foundation jointly shall provide a report detailing the meetings and any agreements resulting therefrom to each member of the General Assembly who represents all or part of Richland County."

In line 84234, delete "\$6,000,000" and insert "\$1,800,000"

In line 84239, subtract \$4,200,000 from fiscal year 2022

In line 84272, subtract \$4,200,000 from fiscal year 2022

After line 90259, insert:

"5CV1 440674 Coronavirus Relief – DOH \$4,200,000 \$0"

In line 90271, add \$4,200,000 to fiscal year 2022

In line 90291, add \$4,200,000 to fiscal year 2022

In line 14 of the title, after "124.136," insert "124.152,"

In line 244, after "124.136," insert "124.152,"

In line 8952, strike through "Parental leave of"

In line 8953, strike through "absence shall begin on the day of the birth of a child"; delete ", on the day"

In line 8954, delete "of the delivery of a stillborn child."; strike through "or on the day on which"

Strike through line 8955

In line 8956, strike through "prospective parents" and insert "If the employee takes leave under this section for a stillbirth, the employee is ineligible for leave under section 124.387 of the Revised Code"

In line 8982, strike through "continuous" and insert "consecutive"

In line 8985, after the period insert "Parental leave shall be taken within one year of the birth of the child, delivery of the stillborn child, or placement of the child for adoption."

In line 9015, after the period insert "An employee may not receive parental leave under this section after exhausting leave under the Family and Medical Leave Act of 1993 for the birth of the child, delivery of the stillborn child, or placement of the child for adoption."

In line 9026, after "period" insert "if the parental leave is contiguous to the disability leave"

In line 9039, after "leave" insert "eligibility"

After line 9059, insert:

"Sec. 124.152. (A)(1) Except as provided in division (A)(2) of this section, each exempt employee shall be paid a salary or wage in accordance with schedule E-1 or schedule E-2 of division (B) of this section.

(2) Each exempt employee who holds a position in the unclassified civil service pursuant to division (A)(26) or (30) of section 124.11 of the Revised Code may be paid a salary or wage in accordance with schedule E-1 or schedule E-2 of division (B) of this section, as applicable.

(B)(1) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates as of the pay period that includes July 1, ~~2018~~ 2021:

Schedule E-1

Pay Ranges and Step Values

		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
Range									
1	Hourly	11.14 <u>12.14</u>	11.64 <u>12.69</u>	12.13 <u>13.21</u>	12.66 <u>13.80</u>				
	Annually	23171 <u>25251</u>	24211 <u>26395</u>	25230 <u>27476</u>	26333 <u>28704</u>				
2	Hourly	13.51 <u>14.73</u>	14.09 <u>15.36</u>	14.69 <u>16.01</u>	15.34 <u>16.72</u>				
	Annually	28101 <u>30638</u>	29307 <u>31948</u>	30555 <u>33300</u>	31907 <u>34777</u>				
3	Hourly	14.16 <u>15.44</u>	14.79 <u>16.13</u>	15.45 <u>16.84</u>	16.11 <u>17.56</u>				
	Annually	29453 <u>32115</u>	30763 <u>33550</u>	32136 <u>35027</u>	33509 <u>36524</u>				
4	Hourly	14.86 <u>16.20</u>	15.53 <u>16.93</u>	16.28 <u>17.75</u>	16.98 <u>18.51</u>				
	Annually	30909 <u>33696</u>	32302 <u>35214</u>	33862 <u>36920</u>	35318 <u>38500</u>				

5	Hourly	15.59 <u>17.00</u>	16.31 <u>17.78</u>	16.98 <u>18.51</u>	17.73 <u>19.33</u>				
	Annually	32427 <u>35360</u>	33925 <u>36982</u>	35318 <u>38500</u>	36878 <u>40206</u>				
6	Hourly	16.43 <u>17.91</u>	17.12 <u>18.66</u>	17.86 <u>19.47</u>	18.60 <u>20.27</u>				
	Annually	34174 <u>37252</u>	35610 <u>38812</u>	37149 <u>40497</u>	38688 <u>42161</u>				
7	Hourly	17.44 <u>19.01</u>	18.09 <u>19.72</u>	18.84 <u>20.54</u>	19.49 <u>21.25</u>	20.25 <u>22.07</u>			
	Annually	36275 <u>39540</u>	37627 <u>41017</u>	39187 <u>42723</u>	40539 <u>44200</u>	42120 <u>45905</u>			
8	Hourly	18.44 <u>20.11</u>	19.27 <u>21.00</u>	20.09 <u>21.90</u>	20.99 <u>22.89</u>	21.99 <u>23.97</u>			
	Annually	38355 <u>41828</u>	40082 <u>43680</u>	41787 <u>45552</u>	43659 <u>47611</u>	45739 <u>49857</u>			
9	Hourly	19.68 <u>21.45</u>	20.69 <u>22.56</u>	21.71 <u>23.67</u>	22.80 <u>24.85</u>	23.95 <u>26.11</u>			
	Annually	40934 <u>44616</u>	43035 <u>46924</u>	45157 <u>49233</u>	47424 <u>51688</u>	49816 <u>54308</u>			
10	Hourly	21.23 <u>23.13</u>	22.39 <u>24.41</u>	23.59 <u>25.72</u>	24.95 <u>27.20</u>	26.28 <u>28.64</u>			
	Annually	44158 <u>48110</u>	46571 <u>50772</u>	49067 <u>53497</u>	51896 <u>56576</u>	54662 <u>59571</u>			
11	Hourly	23.12 <u>25.20</u>	24.46 <u>26.66</u>	25.87 <u>28.20</u>	27.34 <u>29.80</u>	28.89 <u>31.49</u>			
	Annually	48090 <u>52416</u>	50877 <u>55452</u>	53810 <u>58656</u>	56867 <u>61984</u>	60091 <u>65499</u>			
12	Hourly	25.50 <u>27.80</u>	26.93 <u>29.36</u>	28.38 <u>30.93</u>	29.95 <u>32.64</u>	31.62 <u>34.46</u>	33.33 <u>36.34</u>	34.70 <u>37.82</u>	36.33 <u>39.60</u>
	Annually	53040 <u>57824</u>	56014 <u>61068</u>	59030 <u>64334</u>	62296 <u>67891</u>	65770 <u>71676</u>	69326 <u>75587</u>	72176 <u>78665</u>	75566 <u>82368</u>
13	Hourly	28.11 <u>30.64</u>	29.65 <u>32.32</u>	31.28 <u>34.09</u>	32.94 <u>35.92</u>	34.81 <u>37.95</u>	36.69 <u>39.99</u>	38.19 <u>41.63</u>	39.99 <u>43.59</u>
	Annually	58469 <u>63731</u>	61672 <u>67225</u>	65062 <u>70907</u>	68515 <u>74713</u>	72405 <u>78936</u>	76315 <u>83179</u>	79435 <u>86590</u>	83179 <u>90667</u>
14	Hourly	30.91 <u>33.69</u>	32.66 <u>35.61</u>	34.42 <u>37.52</u>	36.29 <u>39.56</u>	38.35 <u>41.80</u>	40.48 <u>44.13</u>	42.15 <u>45.95</u>	44.13 <u>48.10</u>
	Annually	64293 <u>70075</u>	67933 <u>74068</u>	71594 <u>78041</u>	75483 <u>82284</u>	79768 <u>86944</u>	84198 <u>91790</u>	87672 <u>95576</u>	91790 <u>100048</u>

15	Hourly	33.96 <u>37.02</u>	35.86 <u>39.10</u>	37.89 <u>41.30</u>	39.97 <u>43.57</u>	42.19 <u>45.99</u>	44.51 <u>48.51</u>	46.33 <u>50.50</u>	48.51 <u>52.88</u>
	Annually	70637 <u>77001</u>	74589 <u>81328</u>	78811 <u>85904</u>	83138 <u>90625</u>	87755 <u>95659</u>	92581 <u>100900</u>	96366 <u>105040</u>	100901 <u>109990</u>
16	Hourly	37.44 <u>40.81</u>	39.52 <u>43.08</u>	41.69 <u>45.45</u>	44.03 <u>48.00</u>	46.45 <u>50.63</u>	49.11 <u>53.53</u>	51.12 <u>55.73</u>	53.52 <u>58.34</u>
	Annually	77875 <u>84884</u>	82202 <u>89606</u>	86715 <u>94536</u>	91582 <u>99840</u>	96616 <u>105310</u>	102149 <u>111342</u>	106330 <u>115918</u>	111322 <u>121347</u>
17	Hourly	41.25 <u>44.96</u>	43.52 <u>47.44</u>	45.96 <u>50.10</u>	48.50 <u>52.86</u>	51.21 <u>55.83</u>	54.06 <u>58.94</u>		
	Annually	85800 <u>93516</u>	90522 <u>98675</u>	95597 <u>104208</u>	100880 <u>109948</u>	106517 <u>116126</u>	112445 <u>122595</u>		
18	Hourly	45.46 <u>49.55</u>	47.97 <u>52.29</u>	50.68 <u>55.24</u>	53.46 <u>58.28</u>	56.42 <u>61.50</u>	59.57 <u>64.94</u>		
	Annually	94557 <u>103064</u>	99778 <u>108763</u>	105414 <u>114899</u>	111197 <u>121222</u>	117354 <u>127920</u>	123906 <u>135075</u>		

Schedule E-2

Range		Minimum	Maximum
41	Hourly	16.23	44.93 <u>48.99</u>
	Annually	33758	93454 <u>101899</u>
42	Hourly	17.89	49.62 <u>54.09</u>
	Annually	37211	103210 <u>112507</u>
43	Hourly	19.70	54.65 <u>59.56</u>
	Annually	40976	113672 <u>123884</u>
44	Hourly	21.73	59.70 <u>65.08</u>
	Annually	45198	124176 <u>135366</u>
45	Hourly	24.01	65.18 <u>71.05</u>
	Annually	49941	135574 <u>147784</u>
46	Hourly	26.43	71.23 <u>77.65</u>
	Annually	54974	148158 <u>161512</u>
47	Hourly	29.14	77.74 <u>84.75</u>
	Annually	60611	161699 <u>176280</u>
48	Hourly	32.14	84.82 <u>92.45</u>
	Annually	66851	176426 <u>192296</u>
49	Hourly	35.44	91.58 <u>99.83</u>
	Annually	73715	190486 <u>207646</u>

(2) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates as of the pay period that includes July 1, ~~2019~~ 2022:

Schedule E-1

Pay Ranges and Step Values

		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
Range									
1	Hourly	11.45 <u>12.50</u>	11.96 <u>13.07</u>	12.46 <u>13.61</u>	13.01 <u>14.21</u>				
	Annually	23816 <u>26000</u>	24877 <u>27185</u>	25917 <u>28308</u>	27061 <u>29556</u>				
2	Hourly	13.88 <u>15.17</u>	14.48 <u>15.82</u>	15.09 <u>16.49</u>	15.76 <u>17.22</u>				
	Annually	28870 <u>31553</u>	30118 <u>32905</u>	31387 <u>34299</u>	32781 <u>35817</u>				
3	Hourly	14.55 <u>15.90</u>	15.20 <u>16.61</u>	15.87 <u>17.35</u>	16.55 <u>18.09</u>				
	Annually	30264 <u>33072</u>	31616 <u>34548</u>	33010 <u>36088</u>	34424 <u>37627</u>				
4	Hourly	15.27 <u>16.69</u>	15.96 <u>17.44</u>	16.73 <u>18.28</u>	17.45 <u>19.07</u>				
	Annually	31762 <u>34715</u>	33197 <u>36275</u>	34798 <u>38022</u>	36296 <u>39665</u>				
5	Hourly	16.02 <u>17.51</u>	16.76 <u>18.31</u>	17.45 <u>19.07</u>	18.22 <u>19.91</u>				
	Annually	33322 <u>36420</u>	34861 <u>38084</u>	36296 <u>39665</u>	37898 <u>41412</u>				
6	Hourly	16.88 <u>18.45</u>	17.59 <u>19.22</u>	18.35 <u>20.05</u>	19.11 <u>20.88</u>				
	Annually	35110 <u>38376</u>	36587 <u>39977</u>	38168 <u>41704</u>	39749 <u>43430</u>				
7	Hourly	17.92 <u>19.58</u>	18.59 <u>20.31</u>	19.36 <u>21.16</u>	20.03 <u>21.89</u>	20.81 <u>22.73</u>			
	Annually	37274 <u>40726</u>	38667 <u>42244</u>	40269 <u>44012</u>	41662 <u>45531</u>	43285 <u>47278</u>			
8	Hourly	18.95 <u>20.71</u>	19.80 <u>21.63</u>	20.64 <u>22.56</u>	21.57 <u>23.58</u>	22.59 <u>24.69</u>			
	Annually	39416 <u>43076</u>	41184 <u>44990</u>	42931 <u>46924</u>	44866 <u>49046</u>	46987 <u>51355</u>			

9	Hourly	20.22 <u>22.09</u>	21.26 <u>23.24</u>	22.31 <u>24.38</u>	23.43 <u>25.60</u>	24.61 <u>26.89</u>			
	Annually	42058 <u>45947</u>	44221 <u>48339</u>	46405 <u>50710</u>	48734 <u>53248</u>	51189 <u>55931</u>			
10	Hourly	21.81 <u>23.82</u>	23.01 <u>25.14</u>	24.24 <u>26.49</u>	25.64 <u>28.02</u>	27.00 <u>29.50</u>			
	Annually	45365 <u>49545</u>	47861 <u>52291</u>	50419 <u>55099</u>	53331 <u>58281</u>	56160 <u>61360</u>			
11	Hourly	23.76 <u>25.96</u>	25.13 <u>27.46</u>	26.58 <u>29.05</u>	28.09 <u>30.69</u>	29.68 <u>32.43</u>			
	Annually	49421 <u>53996</u>	52270 <u>57116</u>	55286 <u>60424</u>	58427 <u>63835</u>	61734 <u>67454</u>			
12	Hourly	26.20 <u>28.63</u>	27.67 <u>30.24</u>	29.16 <u>31.86</u>	30.77 <u>33.62</u>	32.49 <u>35.49</u>	34.25 <u>37.43</u>	35.65 <u>38.95</u>	37.33 <u>40.79</u>
	Annually	54496 <u>59550</u>	57554 <u>62889</u>	60653 <u>66268</u>	64002 <u>69929</u>	67579 <u>73819</u>	71240 <u>77854</u>	74152 <u>81016</u>	77646 <u>84843</u>
13	Hourly	28.88 <u>31.56</u>	30.47 <u>33.29</u>	32.14 <u>35.11</u>	33.85 <u>37.00</u>	35.77 <u>39.09</u>	37.70 <u>41.19</u>	39.24 <u>42.88</u>	41.09 <u>44.90</u>
	Annually	60070 <u>65644</u>	63378 <u>69243</u>	66851 <u>73028</u>	70408 <u>76960</u>	74402 <u>81307</u>	78416 <u>85675</u>	81619 <u>89190</u>	85467 <u>93392</u>
14	Hourly	31.76 <u>34.70</u>	33.56 <u>36.68</u>	35.37 <u>38.65</u>	37.29 <u>40.75</u>	39.40 <u>43.05</u>	41.59 <u>45.45</u>	43.31 <u>47.33</u>	45.34 <u>49.54</u>
	Annually	66061 <u>72176</u>	69805 <u>76294</u>	73570 <u>80392</u>	77563 <u>84760</u>	81952 <u>89544</u>	86507 <u>94536</u>	90085 <u>98446</u>	94307 <u>103043</u>
15	Hourly	34.89 <u>38.13</u>	36.85 <u>40.27</u>	38.93 <u>42.54</u>	41.07 <u>44.88</u>	43.35 <u>47.37</u>	45.73 <u>49.97</u>	47.60 <u>52.02</u>	49.84 <u>54.47</u>
	Annually	72571 <u>79310</u>	76648 <u>83761</u>	80974 <u>88483</u>	85426 <u>93350</u>	90168 <u>98529</u>	95118 <u>103937</u>	99008 <u>108201</u>	103667 <u>113297</u>
16	Hourly	38.47 <u>42.03</u>	40.61 <u>44.37</u>	42.84 <u>46.81</u>	45.24 <u>49.44</u>	47.73 <u>52.15</u>	50.46 <u>55.14</u>	52.53 <u>57.40</u>	54.99 <u>60.09</u>
	Annually	80018 <u>87422</u>	84469 <u>92289</u>	89107 <u>97364</u>	94099 <u>102835</u>	99278 <u>108472</u>	104957 <u>114691</u>	109262 <u>119392</u>	114379 <u>124987</u>
17	Hourly	42.38 <u>46.31</u>	44.72 <u>48.86</u>	47.22 <u>51.60</u>	49.83 <u>54.45</u>	52.62 <u>57.50</u>	55.55 <u>60.71</u>		
	Annually	88150 <u>96324</u>	93018 <u>101628</u>	98218 <u>107328</u>	103646 <u>113256</u>	109450 <u>119600</u>	115544 <u>126276</u>		
18	Hourly	46.71 <u>51.04</u>	49.29 <u>53.86</u>	52.07 <u>56.90</u>	54.93 <u>60.03</u>	57.97 <u>63.35</u>	61.21 <u>66.89</u>		
	Annually	97157 <u>106163</u>	102523 <u>112028</u>	108306 <u>118352</u>	114254 <u>124862</u>	120578 <u>131768</u>	127317 <u>139131</u>		

Schedule E-2

Range		Minimum	Maximum
41	Hourly	16.23	46.17 <u>50.46</u>
	Annually	33758	96034 <u>104956</u>
42	Hourly	17.89	50.98 <u>55.71</u>
	Annually	37211	106038 <u>115,876</u>
43	Hourly	19.70	56.15 <u>61.35</u>
	Annually	40976	116792 <u>127608</u>
44	Hourly	21.73	61.34 <u>67.03</u>
	Annually	45198	127587 <u>139422</u>
45	Hourly	24.01	66.97 <u>73.18</u>
	Annually	49941	139298 <u>152214</u>
46	Hourly	26.43	73.19 <u>79.98</u>
	Annually	54974	152235 <u>166358</u>
47	Hourly	29.14	79.88 <u>87.29</u>
	Annually	60611	166150 <u>181563</u>
48	Hourly	32.14	87.15 <u>95.22</u>
	Annually	66851	181272 <u>198057</u>
49	Hourly	35.44	94.10 <u>102.82</u>
	Annually	73715	195728 <u>213865</u>

(3) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates as of the pay period that includes July 1, ~~2020~~ 2023:

Schedule E-1

Pay Ranges and Step Values

		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
Range									
1	Hourly	11.79 <u>12.88</u>	12.32 <u>13.46</u>	12.83 <u>14.02</u>	13.40 <u>14.64</u>				
	Annually	24523 <u>26790</u>	25626 <u>27996</u>	26686 <u>29161</u>	27872 <u>30451</u>				
2	Hourly	14.30 <u>15.63</u>	14.91 <u>16.29</u>	15.54 <u>16.98</u>	16.23 <u>17.74</u>				
	Annually	29744 <u>32510</u>	31013 <u>33883</u>	32323 <u>35318</u>	33758 <u>36899</u>				
3	Hourly	14.99 <u>16.38</u>	15.66 <u>17.11</u>	16.35 <u>17.87</u>	17.05 <u>18.63</u>				

	Annually	31179 <u>34070</u>	32573 <u>35588</u>	34008 <u>37169</u>	35464 <u>38750</u>			
4	Hourly	15.73 <u>17.19</u>	16.44 <u>17.96</u>	17.23 <u>18.83</u>	17.97 <u>19.64</u>			
	Annually	32718 <u>35755</u>	34195 <u>37356</u>	35838 <u>39166</u>	37378 <u>40851</u>			
5	Hourly	16.50 <u>18.04</u>	17.26 <u>18.86</u>	17.97 <u>19.64</u>	18.77 <u>20.51</u>			
	Annually	34320 <u>37523</u>	35901 <u>39228</u>	37378 <u>40851</u>	39042 <u>42660</u>			
6	Hourly	17.39 <u>19.00</u>	18.12 <u>19.80</u>	18.90 <u>20.65</u>	19.68 <u>21.51</u>			
	Annually	36171 <u>39520</u>	37690 <u>41184</u>	39312 <u>42952</u>	40934 <u>44740</u>			
7	Hourly	18.46 <u>20.17</u>	19.15 <u>20.92</u>	19.94 <u>21.79</u>	20.63 <u>22.55</u>	21.43 <u>23.41</u>		
	Annually	38397 <u>41953</u>	39832 <u>43513</u>	41475 <u>45323</u>	42910 <u>46904</u>	44574 <u>48692</u>		
8	Hourly	19.52 <u>21.33</u>	20.39 <u>22.28</u>	21.26 <u>23.24</u>	22.22 <u>24.29</u>	23.27 <u>25.43</u>		
	Annually	40602 <u>44366</u>	42411 <u>46342</u>	44221 <u>48339</u>	46218 <u>50523</u>	48402 <u>52894</u>		
9	Hourly	20.83 <u>22.75</u>	21.90 <u>23.94</u>	22.98 <u>25.11</u>	24.13 <u>26.37</u>	25.35 <u>27.70</u>		
	Annually	43326 <u>47320</u>	45552 <u>49795</u>	47798 <u>52228</u>	50190 <u>54849</u>	52728 <u>57616</u>		
10	Hourly	22.46 <u>24.53</u>	23.70 <u>25.89</u>	24.97 <u>27.28</u>	26.41 <u>28.86</u>	27.81 <u>30.39</u>		
	Annually	46717 <u>51022</u>	49296 <u>53851</u>	51938 <u>56742</u>	54933 <u>60028</u>	57845 <u>63211</u>		
11	Hourly	24.47 <u>26.74</u>	25.88 <u>28.28</u>	27.38 <u>29.92</u>	28.93 <u>31.61</u>	30.57 <u>33.40</u>		
	Annually	50898 <u>55619</u>	53830 <u>58822</u>	56950 <u>62233</u>	60174 <u>65748</u>	63586 <u>69472</u>		
12	Hourly	26.99 <u>29.49</u>	28.50 <u>31.15</u>	30.03 <u>32.82</u>	31.69 <u>34.63</u>	33.46 <u>36.55</u>	35.28 <u>38.55</u>	36.72 <u>40.12</u>
	Annually	56139 <u>61339</u>	59280 <u>64792</u>	62462 <u>68265</u>	65915 <u>72030</u>	69597 <u>76024</u>	73382 <u>80184</u>	76378 <u>83449</u>
13	Hourly	29.75 <u>32.51</u>	31.38 <u>34.29</u>	33.10 <u>36.16</u>	34.87 <u>38.11</u>	36.84 <u>40.26</u>	38.83 <u>42.43</u>	40.42 <u>44.17</u>
								42.32 <u>46.25</u>

	Annually	61880-67620	65270-71323	68848-75212	72530-79268	76627-83740	80766-88254	84074-91873	88026-96200
14	Hourly	32.71-35.74	34.57-37.78	36.43-39.81	38.41-41.97	40.58-44.34	42.84-46.81	44.61-48.75	46.70-51.03
	Annually	68037-74339	71906-78582	75774-82804	79893-87297	84406-92227	89107-97364	92789-101400	97136-106142
15	Hourly	35.94-39.27	37.96-41.48	40.10-43.82	42.30-46.23	44.65-48.79	47.10-51.47	49.03-53.58	51.34-56.10
	Annually	74755-81681	78957-86278	83408-91145	87984-96158	92872-101483	97968-107057	101982-111446	106787-116688
16	Hourly	39.62-43.29	41.83-45.70	44.13-48.21	46.60-50.92	49.16-53.71	51.97-56.79	54.11-59.12	56.64-61.89
	Annually	82410-90043	87006-95056	91790-100276	96928-105913	102253-111716	108098-118123	112549-122969	117811-128731
17	Hourly	43.65-47.70	46.06-50.33	48.64-53.15	51.32-56.08	54.20-59.23	57.22-62.53		
	Annually	90792-99216	95805-104686	101171-110552	106746-116646	112736-123198	119018-130062		
18	Hourly	48.11-52.57	50.77-55.48	53.63-58.61	56.58-61.83	59.71-65.25	63.05-68.90		
	Annually	100069-109345	105602-115398	111550-121908	117686-128606	124197-135720	131144-143312		

Schedule E-2

Range		Minimum	Maximum
41	Hourly	16.23	47.56 <u>51.97</u>
	Annually	33758	98925 <u>108097</u>
42	Hourly	17.89	52.51 <u>57.38</u>
	Annually	37211	109221 <u>119350</u>
43	Hourly	19.70	57.83 <u>63.19</u>
	Annually	40976	120286 <u>131435</u>
44	Hourly	21.73	63.18 <u>69.04</u>
	Annually	45198	131414 <u>143603</u>
45	Hourly	24.01	68.98 <u>75.38</u>
	Annually	49941	143478 <u>156790</u>
46	Hourly	26.43	75.39 <u>82.38</u>
	Annually	54974	156811 <u>171350</u>
47	Hourly	29.14	82.28 <u>89.91</u>

	Annually	60611	171142 <u>187012</u>
48	Hourly	32.14	89.76 <u>98.08</u>
	Annually	66851	186701 <u>204006</u>
49	Hourly	35.44	96.92 <u>105.90</u>
	Annually	73715	201594 <u>220272</u>

(C) As used in this section:

(1) "Exempt employee" means a permanent full-time or permanent part-time employee paid directly by warrant of the director of budget and management whose position is included in the job classification plan established under division (A) of section 124.14 of the Revised Code but who is not considered a public employee for the purposes of Chapter 4117. of the Revised Code. "Exempt employee" also includes a permanent full-time or permanent part-time employee of the secretary of state, auditor of state, treasurer of state, or attorney general who has not been placed in an appropriate bargaining unit by the state employment relations board.

(2) "Base rate of pay" means the rate of pay established under schedule E-1 of this section, plus the supplement provided under division (E) of section 124.181 of the Revised Code, plus any supplements enacted into law that are added to schedule E-1 of this section."

In line 80556, after "124.136," insert "124.152,"

After line 97016, insert:

**"Section 503.120. APPROPRIATIONS FOR EMPLOYEE
COMPENSATION CHANGES**

Notwithstanding any provision of law to the contrary, beginning with the pay period that includes July 1, 2021, each state appointing authority is authorized to make expenditures from current state operating appropriations contained in this act or any other act necessary to provide for the changes to compensation provisions pursuant to approved collective bargaining agreements between employee organizations and State of Ohio public employers and pursuant to provisions of law, as amended by this act, for employees exempt from collective bargaining to allow parity for those employees. Notwithstanding any provision of law to the contrary, on or after July 1, 2021, the Director of Budget and Management may authorize increased expenditures from General Revenue Fund and non-General Revenue Fund appropriation items in this act or any other appropriations act of the General Assembly to the extent the Director determines necessary to effectuate the changes to compensation. Any increases in expenditures authorized pursuant to this section are hereby appropriated."

In line 145 of the title, after "122.4098," insert "122.6511, 122.6512,"

In line 341, after "122.4098," insert "122.6511, 122.6512,"

After line 7063, insert:

"Sec. 122.6511. (A) As used in this section and section 122.6512 of the Revised Code, "brownfield" and "remediation" have the same meanings as in section 122.65 of the Revised Code.

(B)(1) There is hereby created the brownfield remediation program to award grants for the remediation of brownfield sites throughout Ohio. The program shall be administered by the director of development pursuant to this section and rules adopted pursuant to division (B)(2) of this section.

(2) The director shall adopt rules, under Chapter 119. of the Revised Code, for the administration of the program. The rules shall include provisions for determining project and project sponsor eligibility, program administration, and any other provisions the director finds necessary.

(3) The director shall ensure that the program is operational and accepting proposals for grants not later than ninety days after the effective date of this section.

(C)(1) There is hereby created in the state treasury the brownfield remediation fund. The fund shall consist of moneys appropriated to it by the general assembly, and investment earnings on moneys in the fund shall be credited to the fund.

(2) The director shall reserve funds from each appropriation to the fund to each county in the state. The amount reserved shall be one million dollars per county, or, if an appropriation is less than eighty-eight million dollars, a proportionate amount to each county. Amounts reserved pursuant to this section are reserved for one calendar year from the date of the appropriation. After one calendar year, the funds shall be available pursuant to division (C)(3) of this section.

(3) Funds from an appropriation not reserved under division (C)(2) of this section shall be available for grants to projects located anywhere in the state, and grants from those funds shall be awarded to qualifying projects on a first-come, first-served basis. Grants awarded pursuant to this division shall be limited to seventy-five per cent of a project's total cost.

Sec. 122.6512. (A)(1) There is hereby created the building demolition and site revitalization program to award grants for the demolition of commercial and residential buildings and revitalization of surrounding properties on sites that are not brownfields. The program shall be administered by the director of development pursuant to this section and rules adopted pursuant to division (A)(2) of this section.

(2) The director shall adopt rules, under Chapter 119. of the Revised Code, for the administration of the program. The rules shall include

provisions for determining project and project sponsor eligibility, program administration, and any other provisions the director finds necessary.

(3) The director shall ensure that the program is operational and accepting proposals for grants not later than ninety days after the effective date of this section.

(B)(1) There is hereby created in the state treasury the building demolition and site revitalization fund. The fund shall consist of moneys appropriated to it by the general assembly, and investment earnings on moneys in the fund shall be credited to the fund.

(2) The director shall reserve funds from each appropriation to the fund to each county in the state. The amount reserved shall be five hundred thousand dollars per county, or, if an appropriation is less than forty-four million dollars, a proportionate amount to each county. Amounts reserved pursuant to this section are reserved for one calendar year from the date of the appropriation. After one calendar year, the funds shall be available pursuant to division (B)(3) of this section.

(3) Funds from an appropriation not reserved under division (B)(2) of this section shall be available for grants to projects located anywhere in the state, and grants from those funds shall be awarded to qualifying projects on a first-come, first-served basis. Grants awarded pursuant to this division shall be limited to seventy-five per cent of a project's total cost."

After line 85811, insert:

"5XXX 195XXX Brownfield Remediation \$350,000,000 \$0

5XXX 195XXX Demolition and Site Revitalization \$150,000,000

\$0"

In line 85814, add \$500,000,000 to fiscal year 2022

In line 85850, add \$500,000,000 to fiscal year 2022

After line 86220, insert:

"BROWNFIELD REMEDIATION

The foregoing appropriation item 195XXX, Brownfield Remediation, shall be used to award grants under the Brownfield Remediation Program as described in section 122.6511 of the Revised Code. An amount up to two and one-half per cent of the foregoing appropriation item 195XXX, Brownfield Remediation, may be used to pay the administrative costs of the program. The unexpended, unencumbered balance in appropriation item 195XXX, Brownfield Remediation, remaining at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

DEMOLITION AND SITE REVITALIZATION

The foregoing appropriation item 195XXX, Demolition and Site Revitalization, shall be used to award grants under the Building Demolition

and Site Revitalization Program as described in section 122.6512 of the Revised Code. An amount up to two and one-half per cent of the foregoing appropriation item 195XXX, Demolition and Site Revitalization, may be used to pay the administrative costs of the program. The unexpended, unencumbered balance in appropriation item 195XXX, Demolition and Site Revitalization, remaining at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023."

After line 93823, insert:

"7015	725XXX	Appalachian Hills	\$28,600,000	\$0"
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In line 93833, add \$28,600,000 to fiscal year 2022

In line 93864, add \$28,600,000 to fiscal year 2022

After line 93935 insert:

"APPALACHIAN HILLS

The foregoing appropriation item 725XXX, Appalachian Hills, shall be used to purchase the remainder of the American Electric Power ReCreation Land in southeastern Ohio. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 725XXX, Appalachian Hills, at the end of fiscal year 2022 is hereby reappropriated to fiscal year 2023 for the same purpose."

In line 97449, delete "\$350,000" and insert "\$28,950,000"

After line 97453, insert:

"Section 512. __.GENERAL REVENUE FUND TRANSFER TO THE BROWNFIELD REMEDIATION FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$350,000,000 cash from the General Revenue Fund to the Brownfield Remediation Fund (Fund 5XXX).

Section 512. __.GENERAL REVENUE FUND TRANSFER TO THE BUILDING DEMOLITION AND SITE REVITALIZATION FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$150,000,000 cash from the General Revenue Fund to the Building Demolition and Site Revitalization (Fund 5XXX)."

In line 92262, delete "\$3,856,990,059 \$5,560,656,874" and insert "\$3,887,949,367 \$5,343,925,047"

In line 92263, delete "\$10,859,846,818 \$13,583,428,306" and insert "\$10,706,055,721 \$13,142,266,953"

In line 92264, delete "\$14,716,836,877 \$19,144,085,180" and insert "\$14,594,005,088 \$18,486,192,000"

In line 92265, delete "\$489,144,862 \$566,626,746" and insert "\$494,158,753 \$590,346,922"

In line 92269, add \$35,973,199 to fiscal year 2022 and subtract \$193,011,651 from fiscal year 2023

In line 92270, subtract \$153,791,097 from fiscal year 2022 and \$441,161,353 from fiscal year 2023

In line 92271, subtract \$117,817,898 from fiscal year 2022 and \$634,173,004 from fiscal year 2023

In line 92274, delete "\$85,621,440 \$85,452,765" and insert "\$84,195,790 \$82,970,165"

In line 92279, delete "\$932,000,000 \$971,000,000" and insert "\$931,200,000 \$980,800,000"

In line 92282, delete "\$1,013,000,000 \$966,000,000" and insert "\$991,000,000 \$951,000,000"

In line 92284, delete "\$158,392,748 \$102,289,260" and insert "\$216,671,003 \$241,843,358"

In line 92285, add \$34,052,605 to fiscal year 2022 and \$131,871,498 to fiscal year 2023

In line 92291, delete "\$10,680,175,369 \$8,174,548,367" and insert "\$11,004,684,967 \$8,661,585,383"

In line 92295, add \$324,509,598 to fiscal year 2022 and \$487,037,016 to fiscal year 2023

In line 92296, add \$240,744,305 to fiscal year 2022 and subtract \$15,264,490 from fiscal year 2023

In line 27931, reinsert "(D)(1)" and delete "(D)(1)(a)"

In line 27937, reinsert "Any"

Delete lines 27938 through 27953

In line 27954, delete "(d) Any"

Delete line 27957 through 27961

In line 32074, reinsert "(B)(1)" and delete "(B)(1)(a)"

In line 32090, reinsert "The"

In line 32091, delete "(b) The"

Delete lines 32097 through 32112

Delete lines 32182 through 32185

After line 85793a insert:

"5CV1 195562 Lodging Industry Grants \$25,000,000 \$0

5CV1 195621 Coronavirus Relief – Entertainment Venues

\$20,000,000 \$0

5CV1 195630 Coronavirus Relief – New Business Relief Grants
\$10,000,000 \$0"

Delete lines 85806 through 85809a

In line 86187, delete "195544, Entertainment" and insert "195621, Coronavirus Relief – Entertainment Venues,"

In line 86188, delete "Venues,"

Move lines 86193 through 86200 to after line 86212

In line 86202, delete "195685" and insert "195562"; move lines 86201 through 86207 to after line 86185

In line 86209, delete "195697," and insert "195630, Coronavirus Relief – "

In line 86210, delete "Grant" and insert "Grants"

In line 97466, delete "\$155,000,000" and insert "\$100,000,000"

In line 17 of the title, after "126.021," insert "126.60,"

In line 246, after "126.021," insert "126.60,"

After line 10248, insert:

"Sec. 126.60. (A) As used in this section:

(1) "Agricultural water project" means a project that will improve water quality by reducing or aiding in the reduction of levels of phosphorus, nitrogen, or sediment, that result from agricultural practices, in the waters of the state. "Agricultural water project" includes a project involving research, technology, design, construction, best management practices, conservation, testing, or education.

(2) "Community water project" means a project involving a public water system operated by a political subdivision that will improve water quality by reducing or aiding in the reduction of levels of phosphorus, nitrogen, or sediment in the waters of the state. "Community water project" includes a project involving research, technology, design, construction, best management practices, conservation, testing, or maintenance.

(3) "Nature water project" means a project involving a natural water system that will improve water quality by reducing or aiding in the reduction of levels of phosphorus, nitrogen, or sediment in the waters of the state. "Nature water project" includes a project involving research, technology, design, construction, best management practices, conservation, or maintenance. "Nature water project" also includes the creation, maintenance, or restoration of wetlands, flood plains, flood control systems, and buffers throughout the state, including the western basin of Lake Erie.

(B) There is hereby created in the state treasury the H2Ohio fund

consisting of money credited to it and any donations, gifts, bequests, and other money received for deposit in the fund. All investment earnings of the fund shall be credited to the fund. All money credited or deposited in the fund shall be used for any of the following purposes:

- (1) Agriculture water projects;
- (2) Community water projects;
- (3) Nature water projects;
- (4) Awarding or allocating grants or money, issuing loans, or making purchases for the development and implementation of projects and programs, including remediation projects, that are designed to address water quality priorities;
- (5) Funding cooperative research, data gathering and monitoring, and demonstration projects related to water quality priorities;
- (6) Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, agriculture, environmental organizations, institutions of higher education, and water conservation districts;
- (7) Other purposes, policies, programs, and priorities identified by the Ohio Lake Erie commission in coordination with state agencies or boards responsible for water protection and water management, provided that the purposes, policies, programs, and priorities align with a statewide strategic vision and comprehensive periodic water protection and restoration strategy.

(C) Not later than August 31, 2020, and annually thereafter, the Ohio Lake Erie commission, in coordination with state agencies or boards responsible for water protection and water management, shall do both of the following:

- (1) Prepare a report of the activities that were undertaken with respect to the fund during the immediately preceding fiscal year, including the revenues and expenses of the fund for the preceding fiscal year;
- (2) Submit the report to the general assembly and to the governor.

(D) Within forty-five days after the report is submitted under division (C) of this section, the directors of the state agencies that contributed to the report and the executive director of the Lake Erie commission shall appear before both the house of representatives and senate committees that oversee state finance to testify on the report."

In line 80558, after "126.021," insert "126.60,"

In line 20 of the title, delete "169.07,"

In line 248, delete "169.07"

Delete lines 13443 to 13488

In line 80561, delete "169.07"

Delete lines 100366 to 100375

In line 26 of the title, delete "1121.29,"

In line 253, delete "1121.29,"

Delete lines 17686 through 17813 and insert:

"Sec. 1121.30. (A) All assessments, fees, charges, and forfeitures provided for in Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the Revised Code, except civil penalties assessed pursuant to section 1121.35 or 1315.152 of the Revised Code, shall be paid to the superintendent of financial institutions, and the superintendent shall deposit them into the state treasury to the credit of the banks fund, which is hereby created.

(B) The superintendent may expend or obligate the banks fund to defray the costs of the division of financial institutions in administering Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the Revised Code. The superintendent shall pay from the fund all actual and necessary expenses incurred by the superintendent, including for any services rendered by the department of commerce for the division's administration of Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the Revised Code. The fund shall be assessed a proportionate share of the administrative costs of the department and the division of financial institutions. The proportionate share of the administration costs of the division of financial institutions shall be determined in accordance with procedures prescribed by the superintendent ~~and approved by the director of budget and management~~. The amount assessed for the fund's proportional share of the department's administrative costs and the division's administrative costs shall be paid from the banks fund to the division of administration fund and the division of financial institutions fund respectively.

(C) Any money deposited into the state treasury to the credit of the banks fund, but not expended or encumbered by the superintendent to defray the costs of administering Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the Revised Code, shall remain in the banks fund for expenditures by the superintendent in subsequent years and shall not be used for any purpose other than as set forth in this section."

In line 80566, delete "1121.29,"

In line 87 of the title, after "3772.01," insert "3791.07,"

In line 298, after "3772.01," insert "3791.07,"

After line 51841, insert:

"Sec. 3791.07. (A) ~~The board of building standards may~~
superintendent of industrial compliance shall establish such reasonable inspection fee schedules as ~~it~~ the superintendent determines necessary or

desirable relating to the inspection of all plans and specifications submitted for approval to the division of industrial compliance, and all industrialized units inspected at the point of origin and at the construction site of the building. The inspection fee schedule established shall be adopted by rule, in accordance with Chapter 119. of the Revised Code, and shall bear some reasonable relationship to the cost of administering and enforcing the provisions of Chapters 3781. and 3791. of the Revised Code.

(B) In addition to the fee assessed in division (A) of this section, the board of building standards shall assess a fee of not more than five dollars for each application for acceptance and approval of plans and specifications and for making inspections pursuant to section 3791.04 of the Revised Code. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner by which the superintendent of industrial compliance shall collect and remit to the board the fees assessed under this division and requiring that remittance of the fees be made at least quarterly.

(C) Any person who fails to pay an inspection fee required for any inspection conducted by the department of commerce pursuant to Chapters 3781. and 3791. of the Revised Code, except for fees charged for the inspection of plans and specifications, within forty-five days after the inspection is conducted, shall pay a late payment fee equal to twenty-five per cent of the inspection fee.

(D) The board of building standards shall pay the fees assessed under this section into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code."

In line 80610, after "3772.01," insert "3791.07,"

In line 102 of the title, after "4779.33," insert "4781.04,"

In line 309, after "4779.33," insert "4781.04,"

After line 61314, insert:

"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 department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation of manufactured housing located in

manufactured home parks to determine compliance with the uniform installation standards the division of industrial compliance establishes pursuant to this section.

(3) Govern the design, construction, installation, approval, and inspection of foundations and the base support systems for manufactured housing. The rules shall specify that the division of industrial compliance, any building department or personnel of any department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation, foundations, and base support systems of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards and foundation and base support system design the division of industrial compliance establishes pursuant to this section.

(4) Govern the training, experience, and education requirements for manufactured housing installers;

(5) Establish a code of ethics for manufactured housing installers;

(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers;

(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance with this chapter and the rules adopted pursuant to it, and for the division's expenses incurred in implementing this chapter;

(8) Establish conditions under which a licensee may enter into contracts to fulfill the licensee's responsibilities;

(9) Govern the investigation of complaints concerning any complaints involving the conduct of any licensed manufactured housing installer or person installing manufactured housing without a license;

(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, manufactured housing dealers, and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of installation of the home. The rules also shall provide that decisions made regarding the dispute under the program are not binding upon the purchaser of the home or the other parties involved in the dispute unless the purchaser so agrees in a written acknowledgement that the purchaser signs and delivers to the program within ten business days after the decision is issued.

(11) Establish the requirements and procedures for the certification of

building departments and building department personnel pursuant to section 4781.07 of the Revised Code;

(12) Establish fees to be charged to building departments and building department personnel applying for certification and renewal of certification pursuant to section 4781.07 of the Revised Code;

(13) Develop a policy regarding the maintenance of records for any inspection authorized or conducted pursuant to this chapter. Any record maintained under division (A)(13) of this section shall be a public record under section 149.43 of the Revised Code.

(B) The division of industrial compliance shall do all of the following:

(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;

(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;

(3) Prepare and distribute any application form sections 4781.01 to 4781.11 of the Revised Code require;

(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;

(5) Establish procedures for processing, approving, and disapproving applications for licensure;

(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;

(7) Review the design and plans for manufactured housing installations, foundations, and support systems;

(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;

(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer;

(10) Determine appropriate disciplinary actions for violations of this chapter;

(11) Conduct audits and inquiries of manufactured housing installers as appropriate for the enforcement of this chapter. The division, or any person the division employs for the purpose, may review and audit the

business records of any manufactured housing installer during normal business hours.

(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity.

(C) Nothing in this section, or in any rule adopted by the division of industrial compliance, shall be construed to limit the authority of a board of health to enforce section 3701.344 or Chapters 3703., 3718., and 3781. of the Revised Code or limit the authority of the department of administrative services to lease space for the use of a state agency and to group together state offices in any city in the state as provided in section 123.01 of the Revised Code.

(D) The department of commerce, division of real estate and professional licensing may adopt rules pursuant to Chapter 119. of the Revised Code necessary for administration of the provisions of this chapter related to manufactured home dealers, brokers, and salespersons."

In line 80621, after "4779.33," insert "4781.04,"

In line 85599, after "support" delete the balance of the line

In line 85600, delete everything before the period and insert "equipment acquisition and firefighter training"

In line 85604, after the period insert "These grants shall be issued giving priority first to grant requests from volunteer fire departments, then to township fire department grant requests, and finally to municipal fire department grant requests."

In line 85607, after "Department" delete the balance of the line

In line 85608, delete everything before the period and insert "for equipment acquisition and firefighting training"

In line 7 of the title, delete "122.013,"

In line 239, delete "122.013,"

Delete lines 4377 through 4390

In line 80551, delete "122.013,"

In line 85780, delete "\$22,210,000 \$16,950,000" and insert "\$24,610,000 \$17,700,000"

In line 85787, add \$2,400,000 to fiscal year 2022 and \$750,000 to fiscal year 2023

In line 85850, add \$2,400,000 to fiscal year 2022 and \$750,000 to fiscal year 2023

In line 85958, delete "\$7,500,000" and insert "\$10,000,000"; after the first "in" insert "each"; after "year" delete the balance of the line

In line 85959, delete "year 2023"

In line 85979, delete "\$4,000,000" and insert "\$3,000,000"

In line 85995, delete "\$500,000" and insert "\$1,000,000"

After line 86022, insert:

"Of the foregoing appropriation item 195503, Local Development Projects, \$250,000 in each fiscal year shall be allocated to Fulton County or the Fulton County Land Reutilization Corporation for a program to demolish vacant commercial or industrial buildings located in Fulton County. The state funding shall be matched on a 1:1 basis by funding from any of the following entities: Fulton County, the municipality, village or township where the project is located, or any private entities or nonprofit organizations. The program shall prioritize the demolition of blighted or nuisance commercial or industrial buildings at locations that are depressing the value of surrounding properties and locations that have the greatest potential for new construction or development."

After line 86034, insert:

"Of the foregoing appropriation item 195503, Local Development Projects, \$100,000 in fiscal year 2022 shall be allocated to the Medina County Board of Commissioners to support the financing of a homeless shelter in the county."

After line 86037, insert:

"Of the foregoing appropriation item 195503, Local Development Projects, \$50,000 in fiscal year 2022 shall be granted to the Adams County Community Foundation."

In line 85782, delete "\$7,500,000" and insert "\$6,000,000"

In line 85787, subtract \$1,500,000 from fiscal year 2022

In line 85850, subtract \$1,500,000 from fiscal year 2022

In line 86049, delete "\$5,000,000" and insert "\$3,500,000"

In line 86347, delete "TechCred Program" and insert "programs described"; delete "section" and insert "sections"; after "122.178" insert "and 122.1710"

After line 99475, insert:

"Section 747.____. SECTION 8 OF H.B. 151/133rd GA

(A) As used in this section:

(1) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Emergency medical services," "emergency medical technician-basic," "emergency medical technician-intermediate," "emergency medical

technician-paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.

(3) "Physician" means an individual licensed under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(4) "Physician assistant" means an individual licensed to practice as a physician assistant under Chapter 4730. of the Revised Code.

(B) During the period beginning on the effective date of this section and ending October 1, 2022, and notwithstanding any conflicting provision of the Revised Code, a first responder, emergency medical technician-basic, emergency medical technician-intermediate, and emergency medical technician-paramedic may perform emergency medical services in any setting, including in any area of a hospital, if the services performed under the direction and supervision of one of the following:

(1) A physician;

(2) A physician assistant designated by a physician;

(3) An advanced practice registered nurse designated by a physician.

(C) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, and emergency medical technician-paramedic is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the individual's performance of emergency medical services as authorized by this section, unless the services are performed in a manner that constitutes willful or wanton misconduct."

In line 92933, delete "As provided in this section" and insert "Not later than November 1, 2021"

In line 92934, after "shall" insert "seek controlling board approval to permit the Department or the Department's designee to"

In line 92936, delete "60" and insert "90"

In line 92939, after "Department" insert ", or the Department's designee,"

In line 92954, delete "60" and insert "90"

In line 92956, after "Department" insert ", or the Department's designee,"

In line 92961, delete "department" and insert "Department"

In line 92966, after "Department" insert ", or the Department's designee,"

In line 92973, delete "department" and insert "Department"

Delete lines 92876 through 92893

After line 92875, insert:

"(E) During fiscal years 2022 and 2023, the Director of Budget and Management may make temporary cash transfers from the General Revenue Fund to the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) to ensure sufficient balances in Fund 5DL0 for making supplemental dispensing fee payments and shall replenish the General Revenue Fund for any such transfers."

After line 92643, insert:

"(D) If receipts credited to the Hospital Directed Payment Program Fund (Fund 5XY0) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. If any additional amounts are authorized, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the appropriation in appropriation item 651623, Medicaid Services – Federal, accordingly. Any authorized amounts are hereby appropriated."

In line 92262, delete "\$3,856,990,059 \$5,560,656,874" and insert "\$3,858,392,763 \$5,561,872,430"

In line 92263, delete "\$10,859,846,818 \$13,583,428,306" and insert "\$10,862,251,105 \$13,585,199,096"

In line 92264, delete "\$14,716,836,877 \$19,144,085,180" and insert "\$14,720,643,868 \$19,147,071,526"

In line 92269, add \$1,402,704 to fiscal year 2022 and \$1,215,556 to fiscal year 2023

In line 92270, add \$2,404,287 to fiscal year 2022 and \$1,770,790 to fiscal year 2023

In line 92271, add \$3,806,991 to fiscal year 2022 and \$2,986,346 to fiscal year 2023

In line 92296, add \$3,806,991 to fiscal year 2022 and \$2,986,346 to fiscal year 2023

Delete lines 92555 through 92564 and insert:

"(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 program, the Ohio Home Care waiver program, the MyCare Ohio waiver program, and the Assisted Living waiver.

(B) The Department of Medicaid shall establish a methodology for calculating the rate increase from the funds under division (A) of this section."

After line 92477, insert:

"Section 333.120. REFUNDS AND RECONCILIATION FUND

If receipts credited to the Refunds and Reconciliation Fund (Fund R055) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated."

After line 92457, insert:

"Section 333.100. HEALTH INSURING CORPORATION CLASS FRANCHISE FEE

If receipts credited to the Health Insuring Corporation Class Franchise Fee Fund (Fund 5TN0) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. If any additional amounts are authorized, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal appropriation item identified by the Medicaid Director accordingly. Any authorized amounts and any corresponding federal adjustments are hereby appropriated."

In line 172 of the title, delete "5167.15,"

In line 361, delete "5167.15,"

Delete lines 70637 through 70658

In line 163 of the title, after "3701.0411," insert "3701.145,"

In line 172 of the title, delete "5166.33,"

In line 354, after "3701.0411," insert "3701.145,"

In line 361, delete "5166.33,"

After line 45339, insert:

"Sec. 3701.145. (A) The director of health shall ensure that, as part of the Ohio breast and cervical cancer project administered under section 3701.144 of the Revised Code, a woman who meets all of the following conditions receives treatment for breast or cervical cancer:

(1) The woman was screened for breast or cervical cancer by a provider who either does not participate in or was not paid for the screening by the Ohio breast and cervical cancer project.

(2) The woman is in need of treatment for breast or cervical cancer.

(3) The woman has a countable income not exceeding three hundred per cent of the federal poverty line.

(4) The woman is not covered by health insurance.

(5) The woman is less than sixty-five years of age.

(B) The director of health may adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code."

Delete lines 70595 through 70608

In line 90219, delete "\$1,021,131 \$1,021,131" and insert "\$1,121,131 \$1,121,131"

In line 90241, add \$100,000 to each fiscal year

In line 90291, add \$100,000 to each fiscal year

After line 90321, insert:

"BREAST AND CERVICAL CANCER SCREENING

Of the foregoing appropriation item 440438, Breast and Cervical Cancer Screening, \$100,000 in each fiscal year shall be used in accordance with section 3701.145 of the Revised Code to ensure treatment for breast or cervical cancer for eligible women.

On July 1, 2022, or as soon as possible thereafter, the Director of Health shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of this earmark at the end of fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023 to be used for the same purpose."

In line 118 of the title, delete "5165.80," and insert "5165.771,"

In line 187, delete "5165.771,"

In line 321, delete "5165.80," and insert "5165.771,"

After line 70489, insert:

"Sec. 5165.771. (A) As used in this section:

(1) "SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program.

(2) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to the "Social Security Act," section 1919(f)(10), 42 U.S.C. 1396r(f)(10).

(3) "Table A" means the table included in the SFF list that identifies nursing facilities that are newly added to the SFF list.

(4) "Table B" means the table included in the SFF list that identifies nursing facilities that have not improved.

(5) "Table C" means the table included in the SFF list that identifies nursing facilities that have shown improvement.

(6) "Table D" means the table included in the SFF list that identifies nursing facilities that have recently graduated from the special focus facility program.

(B) The department of medicaid shall issue an order terminating a nursing facility's participation in the medicaid program if any of the following apply:

(1) The nursing facility is ~~listed~~ placed in table A or table B ~~on the effective date of this section~~ and fails to be placed in table C not later than twelve months after ~~the effective date of this section~~ the facility is placed in table A or table B.

(2) The nursing facility is ~~listed~~ placed in table A, table B, or table C ~~on the effective date of this section~~ and fails to be placed in table D not later than twenty-four months after ~~the effective date of this section~~ the facility is placed in table A, table B, or table C.

(3) The nursing facility is placed in table A ~~after the effective date of this section~~ and fails to be placed in table C not later than twelve months after the nursing facility is placed in table A.

(4) The nursing facility is placed in table A ~~after the effective date of this section~~ and fails to be placed in table D not later than twenty-four months after the nursing facility is placed in table A.

(C) ~~An order issued under this section is not subject to appeal. A nursing facility may appeal, under Chapter 119. of the Revised Code, the length of time the facility is listed in a table as described under division (B) of this section. The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to provide for an appeal under this division. Notwithstanding the timeframes listed in section 119.07 of the Revised Code, the rules may provide for an expedited appeal under this division.~~

(D) ~~To~~ A nursing facility shall take all steps necessary to improve its quality of care to avoid having its participation in the medicaid program terminated pursuant to division (B) of this section. Technical assistance and quality improvement initiatives to help a nursing facility avoid having its participation in the medicaid program terminated pursuant to division (B) of this section, the department of aging shall provide the nursing facility-technical assistance are available through the nursing home quality initiative established under section 173.60 of the Revised Code at least four months before the department of medicaid would be required to terminate the nursing facility's participation or initiatives offered through a quality improvement organization under contract with the United States secretary of health and human services to carry out in this state the functions described in section 1154 of the "Social Security Act," 42 U.S.C. 1320c-3."

Delete lines 70490 through 70512

In line 80633, delete "5165.80," and insert "5165.771,"

In line 80654, delete "5165.771,"

In line 68776, after "months" insert ", or other time period consistent with federal law or federal guidelines."

In line 68777, delete "sixty" and insert "ninety"

In line 68778, delete "¿" and insert ". Any county department of job and family services assisting the department of medicaid with acting on redeterminations under this section may request from the department of job and family services, in consultation with the department of medicaid, up to thirty additional days to act on redeterminations."

In line 170 of the title, delete "5116.30,"

In line 173 of the title, delete "5167.29,"

In line 360, delete "5116.30,"

In line 361, delete "5167.29,"

Delete lines 63582 through 63626

Delete lines 70659 through 70723

After line 100170, insert:

"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 incentive such as a tax credit or other incentive 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 an incentive such as a tax credit or other incentive 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 defined in section 3923.41 of the Revised Code.

(B) On or before June 30, 2022, the Departments shall issue this study to the General Assembly, in accordance with division (B) of section 101.68 of the Revised Code, and the Governor. The study shall recommend incentive options and a range of incentive amounts, if any, that could achieve the goals described in divisions (A)(1) and (2) of this section."

In line 166 of the title, after "3902.72," insert "3953.331, 3953.36,"

In line 356, after "3902.72," insert "3953.331, 3953.36,"

After line 52245, insert:

"Sec. 3953.331. (A) For a title insurance company that is a joint venture, the annual review required under section 3953.33 of the Revised Code shall assess whether or not all members of the joint venture received revenue during the year in question from the title company commensurate to their ownership interest in the title company. The superintendent of insurance shall promulgate rules under Chapter 119. of the Revised Code setting forth the standards of the review required under this section and the form in which this information is to be provided.

(B) Title insurance companies that are joint ventures shall maintain sufficient records of their affairs, including their escrow operations, escrow trust accounts, and operating accounts so that the superintendent may adequately ensure that the title insurance company that is a joint venture and all members of the joint venture are in compliance with the requirements of this section. Records kept pursuant to this section shall be kept for a period of not less than ten years following the transactions to which the records relate. The superintendent may prescribe the specific records and documents to be kept.

Sec. 3953.36. For a title company that is a joint venture that is set to dissolve or terminate on a specified date, all members of that joint venture shall be allowed or invited to join any successor joint ventures formed upon dissolution or termination of the original joint venture."

After line 90233a, insert:

"GRF 440485 Health Program Support \$125,000 \$125,000"

In line 90241, add \$125,000 to each fiscal year

In line 90291, add \$125,000 to each fiscal year

After line 90553, insert:

"Section 291.60. (A) As used in this section, "adult education institution" means a private, nonprofit provider of career education and training for adults that is licensed, accredited, or credentialed, or otherwise recognized in a manner approved by the Department of Health.

(B) In fiscal years 2022 and 2023, the Department of Health shall establish and operate a Frontline Health Care Worker Education, Training, and Certification Pilot Program to reimburse adult education institutions for the cost of education and wraparound services provided to students as specified in divisions (C) and (D) of this section. In order to be eligible for reimbursement under the pilot program, an adult education institution must not receive other higher education funding from the state.

(C) Both of the following are eligible for reimbursement under the pilot program, if provided to a student who meets the criteria specified in division (D) of this section:

(1) Education-related expenses, including tuition, course fees, laboratory fees, enrollment application fees, books, and supplies;

(2) Costs associated with the provision of, or referral for, the following wraparound services:

(a) Smoking cessation;

(b) Drug and alcohol counseling;

(c) College and career access advising;

(d) Financial aid counseling and scholarship retention services;

(e) Workability and employability skills training involving such skills as communication, teamwork, critical thinking, ethics, computer skills, and life skills;

(f) Employment placement and retention services;

(g) Financial literacy programming;

(h) Any other similar or related service approved by the Department of Health.

(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:

(1) The student is eighteen years old or older.

(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:

(a) Health care virtual assistant;

(b) Medical assistant;

(c) Medical coder;

(d) Nurse aide;

(e) Patient care assistant;

(f) Phlebotomist.

(3) The student's primary residence meets all of the following:

(a) Is in a county that has a population of five hundred thousand or more according to the 2010 federal decennial census;

(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;

(c) Is a severely distressed area, distressed area, or underserved area as defined by the United States Department of Housing and Urban Development.

(E) The Department may adopt rules in accordance with Chapter 119. of the Revised Code to implement the pilot program.

(F) The foregoing appropriation item 440485, Health Program Support, shall be used to provide reimbursements under the Frontline Healthcare Worker Education, Training, and Certification Pilot Program."

In line 90231, delete "\$8,148,480" and insert "\$11,148,480"

In line 90241, add \$3,000,000 to fiscal year 2022

In line 90291, add \$3,000,000 to fiscal year 2022

After line 90371, insert:

"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."

In line 90217, delete "\$4,303,612 \$4,303,612" and insert "\$4,338,612 \$4,338,612"

In line 90241, add \$35,000 to each fiscal year

In line 90291, add \$35,000 to each fiscal year

In line 90295, delete "\$15,000" and insert "\$50,000"

In line 46938, delete "twenty-four" and insert "forty-eight"

In line 46942, delete "twenty-four" and insert "forty-eight"

In line 81 of the title, delete "3721.28, 3721.31, 3721.32,"

In line 294, delete "3721.28, 3721.31, 3721.32,"

Delete lines 46505 through 46930

In line 80606, delete "3721.28, 3721.31, 3721.32,"

In line 163 of the title, delete "3709.291,"

In line 354, delete "3709.291,"

Delete lines 46074 through 46122

In line 45752, delete "six" and insert "four"

In line 45366, strike through "either" and insert "any"

In line 45373, after "screening" insert ";

(c) If appropriate laboratory equipment is not available"

In line 84559, delete "\$8,798,995 \$8,737,042" and insert "\$9,798,995 \$9,737,042"

In line 84563, add \$1,000,000 to each fiscal year

In line 84580, add \$1,000,000 to each fiscal year

After line 84572a, insert:

"5XT0 490628 At Home Technology Pilot Program \$250,000
\$250,000"

In line 84574, add \$250,000 to each fiscal year

In line 84580, add \$250,000 to each fiscal year

After line 84647, insert:

"Section 209.40. AT HOME TECHNOLOGY PILOT PROGRAM

(A) During fiscal year 2022 and fiscal year 2023, the Department of Aging shall operate an At Home Technology Pilot Program under which the Department awards grants to service providers for the purpose of initiating or enhancing the providers' utilization of remote monitoring technologies that assist older adults in their ability to continue residing in their homes, residential care facilities, or other community-based settings. Examples of such technologies include those that do any of the following:

- (1) Actively monitor vital signs and other health-related data;
- (2) Track wake and sleep times or other milestone moments in daily living;
- (3) Assist in maintaining a healthy, connected quality of life at home, in a residential care facility, or in another community-based setting.

(B) At the conclusion of the Pilot Program, the Department shall prepare a report regarding the efficacy of the Pilot Program and outcomes regarding the health of individuals served by the Pilot Program. The report shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and to the chairpersons of the Senate and House of Representatives standing committees that consider aging issues.

(C) The foregoing appropriation item 490628, At Home Technology Pilot Program, shall be used for the At Home Technology Pilot Program."

After line 97362, insert:

**"Section 512.80. GENERAL REVENUE FUND TRANSFER TO
AT HOME TECHNOLOGY PILOT FUND**

On July 1 of each fiscal year, the Director of Budget and Management shall transfer \$250,000 cash from the General Revenue Fund to the At Home Technology Pilot Fund (Fund 5XT0), which is hereby created in the state treasury."

In line 71997, strike through "all of"

In line 72008, strike through "The" and insert "Unless otherwise

provided by division (E)(3) of this section, the"

After line 72025, insert:

"(3) The requirement prescribed by division (E)(1)(c) of this section shall be considered to be met if: (a) the institution contracts with an entity that receives at least a portion of its funding from one or more county boards of developmental disabilities; (b) the contracted entity performs services for individuals who lease the property for use as housing; and (c) those services assist in the institution's primary purpose described in division (E)(1)(b) of this section.

If the property owner qualifies as a charitable institution under the alternative requirements prescribed by division (E)(3) of this section, only the portion of the property that, as of the first day of January of the tax year, is either leased for use as housing by residents who are eligible to receive home and community-based services, as that term is defined in section 5123.01 of the Revised Code, or is a common area used by all residents of the property is qualifying real property and only those portions qualify for exemption from taxation."

After line 100411, insert:

"Section 803. _____. The amendment by this act of division (E) of section 5709.121 of the Revised Code applies to tax year 2021 and every tax year thereafter."

In line 92 of the title, after "4303.17," insert "4303.185,"

In line 303, after "4303.17," insert "4303.185,"

After line 54652, insert:

"Sec. 4303.185. (A) As used in this section:

(1) "Alcoholic beverage" means beer, wine, mixed beverages, or spirituous liquor.

(2) "Personal consumer" means an individual who is at least twenty-one years of age and intends to use a purchased alcoholic beverage for personal consumption only and not for resale or other commercial purposes.

(3) "Qualified permit holder" has the same meaning as in section 4301.82 of the Revised Code and also includes an A-3a permit holder.

(B)(1) In addition to any other sales authorized by a qualified permit holder's permit, a qualified permit holder may sell alcoholic beverages by the individual drink in sealed, closed containers to a personal consumer for off-premises consumption, including via delivery to the location of the personal consumer.

(2) If a qualified permit holder sells a mixed beverage under division (B)(1) of this section, the mixed beverage shall not contain an amount that exceeds the amount contained in a standard mixed beverage sold by the

qualified permit holder for on-premises consumption.

(3) A qualified permit holder may only sell alcoholic beverages under division (B)(1) of this section if the permit holder also sells a meal with the alcoholic beverages.

~~(3)~~(4) A qualified permit holder shall not sell more than three alcoholic beverages per meal to any individual under division (B)(1) of this section.

(C)(1) A qualified permit holder may only sell types of alcoholic beverages under division (B) of this section that the qualified permit holder is otherwise authorized to sell under the qualified permit holder's permit.

(2) Prior to delivering an alcoholic beverage to a personal consumer under this section, a qualified permit holder, or an employee of the qualified permit holder, shall make a bona fide effort to ensure that the personal consumer is at least twenty-one years of age.

(3) A qualified permit holder may use an H permit holder to make deliveries authorized under this section."

In line 80614, after "4303.17," insert "4303.185,"

In line 142 of the title, after "5.2527," insert "9.27,"

In line 338, after "5.2527," insert "9.27,"

After line 420, insert:

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

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

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

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

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

(4) A provision that requires the state to agree to limit the liability for any direct loss to the state for bodily injury, death, or damage to property of the state caused by the negligence, intentional or willful misconduct, fraudulent act, recklessness, or other tortious conduct of a person or a

person's employees or agents, or a provision that would otherwise impose an indemnification obligation on the state.

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

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

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

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

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

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

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

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

Delete lines 71457 through 71464

In line 72920, delete "appeal with the county board of revision not"

Delete lines 72921 through 72925

In line 72926, delete "under Chapter 5715." and insert:

"exemption application with the tax commissioner under section 5715.27 of the Revised Code. Notwithstanding division (A) of section 5713.081 of the Revised Code, if the tax commissioner determines that the property was entitled to an exemption for one or more tax years for which a charge was imposed under this division, the tax commissioner may order the charge to be removed for those years and may remit any taxes, penalties, and interest paid for those years in the manner prescribed by section 5715.22"

In line 100359, delete the third comma and insert "or"

Delete line 100360

In line 100361, delete "or any"

Delete line 100362

In line 100363, delete "order, advertisement, notice, or other proceeding"

In line 100364, delete "completed,"; delete the second comma

Delete lines 21391 and 21392

In line 188 of the title, delete "5747.29,"

Reinsert lines 78696 and 78697

In line 80654, delete "5747.29,"

Delete lines 100389 through 100391

Delete lines 7458 through 7603 and insert:

"Sec. 122.84. (A) As used in this section:

(1) "Ohio qualified opportunity fund" means a qualified opportunity fund that holds one hundred per cent of its invested assets in qualified opportunity zone property situated in an Ohio opportunity zone.

In the case of qualified opportunity zone property that is qualified opportunity zone stock or qualified opportunity zone partnership interest, the stock or interest is situated in an Ohio opportunity zone only if, during all of the qualified opportunity fund's holding period for such stock or interest, all of the use of the corporation's or partnership's tangible property was in an Ohio opportunity zone. In the case of qualified opportunity zone property that is qualified opportunity zone business property, the property is situated in an Ohio opportunity zone only if, during all of the fund's holding period for such property, all of the use of the property was in an Ohio opportunity zone.

All terms used in division (A) of this section have the same meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be substituted for "substantially all" wherever "substantially all" appears in the definition of those terms or in the definition of terms used in those terms.

(2) "Ohio opportunity zone" means a qualified opportunity zone designated in this state under 26 U.S.C. 1400Z-1 before, on, or after the effective date of the enactment of this section by H.B. 166 of the 133rd general assembly.

(3) "Taxpayer" and "taxable year" have the same meanings as in section 5747.01 of the Revised Code.

(4) "Qualifying taxable year" means a taxpayer's taxable year that includes the first day of a calendar year during which an Ohio qualified opportunity fund in which the taxpayer invests makes an investment in a

project located in an Ohio opportunity zone.

(B) A taxpayer that invests in one or more Ohio qualified opportunity funds may apply to the director of development ~~services~~ for a nonrefundable credit against the tax levied under section 5747.02 of the Revised Code. The application shall be made on forms prescribed by the director on or after the first day of January and on or before the first day of February of each year. The credit shall equal ten per cent of the amount of the taxpayer's investment in the fund that the fund invested during the preceding calendar year in projects located in Ohio opportunity zones.

The taxpayer shall include the following information with the taxpayer's application:

(1) The amount of the taxpayer's investment in Ohio qualified opportunity funds during the taxpayer's qualifying taxable year, arranged according to the amount invested in each such fund if the taxpayer invested in more than one such fund;

(2) A statement from an employee or officer of each Ohio qualified opportunity fund identified by the taxpayer under division (B)(1) of this section certifying the amount of the taxpayer's investment in the fund and the amount of that investment the fund invested in projects located in Ohio opportunity zones during the preceding calendar year. The statement shall describe each project funded by the investment and state each project's location and the portion of the taxpayer's investment invested in each such project. Unless the fund demonstrates otherwise to the director's satisfaction, the amount of a taxpayer's investment that the fund invested in a project located in an Ohio opportunity zone equals the same proportion of the amount of the fund's investment in the project as the taxpayer's investment in the fund bears to the total investment by all investors in that fund on the date the fund makes the investment in the project.

The director shall review applications in the order in which applications are received.

(C)(1) Subject to division (C)(2) of this section, if the director determines that the applicant qualifies for a credit under this section, the director shall issue, within sixty days after the receipt of a complete application under division (B) of this section, a tax credit certificate to the taxpayer identified with a unique number and listing the amount of credit the director determines the taxpayer is eligible to claim.

(2) The director shall not issue certificates in a total amount that would cause the tax credits claimed in any fiscal biennium to exceed fifty million dollars. The director shall not issue certificates to a single applicant ~~in an amount that would cause the tax credits claimed in any fiscal biennium by that applicant, and any person to whom the applicant transfers the certificate under division (E) of this section, to exceed one~~ in an amount that

exceeds two million dollars.

The director may not issue a certificate under this section on the basis of any investment for which a small business investment certificate has been issued under section 122.86 of the Revised Code.

(3) The credit may be claimed for the taxpayer's qualifying taxable year or the next ensuing taxable year. The taxpayer shall claim the credit in the order prescribed by section 5747.98 of the Revised Code. Any unused amount may be carried forward for the following five taxable years. If the certificate is issued to a pass-through entity for an investment by the entity, any taxpayer that is a direct or indirect investor in the pass-through entity on the last day of the entity's qualifying taxable year may claim the taxpayer's proportionate or distributive share of the credit against the taxpayer's aggregate amount of tax levied under that section.

(D) A taxpayer claiming a credit under this section shall submit a copy of the certificate with the taxpayer's return or report.

(E) A taxpayer that holds an unclaimed certificate under this section may notify the tax commissioner, in writing, that the taxpayer is transferring the right to claim the credit stated on the certificate. The taxpayer shall identify in that notification the certificate's number and the name and the tax identification number of the transferee. Pursuant to division (D) of this section, the transferee may claim the credit stated on the certificate, subject to the limitations of this section. A transferee may not transfer the right to claim the credit to any other person.

(F) On or before the first day of August each year, the director of development ~~services~~ shall submit a report to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on the tax credit program authorized under this section. The report shall include the following information:

(1) The number of projects funded by investments for which a tax credit application was submitted under this section during the preceding year, the Ohio opportunity zone in which each such project is located, the number of projects funded by investments for which certificates were allocated during the preceding year, a description of each such project, and the composition of an Ohio qualified opportunity fund's investments in each project funded by investments for which a tax credit application was submitted under this section;

(2) The number of taxpayers that invested in an Ohio qualified opportunity fund and applied for a tax credit based on the fund's investment in a project during the preceding year, the name of the fund in which each such investment was made, the number of taxpayers allocated a credit for such investments under this section, and the dollar amount of those credits;

(3) A map that shows the location of each Ohio opportunity zone and that indicates which zones include existing or pending projects that are, or will be, funded by tax credit-eligible investments."

In line 123 of the title, after "5709.41," insert "5709.92, 5709.93,"

In line 325, after "5709.41," insert "5709.92, 5709.93,"

After line 72854, insert:

"Sec. 5709.92. (A) As used in this section:

(1) "School district" means a city, local, or exempted village school district.

(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

(3) "Total resources" means the sum of the amounts described in divisions (A)(3)(a) to (g) of this section less any reduction required under division (C)(3)(a) of this section.

(a) The state education aid for fiscal year 2015;

(b) The sum of the payments received in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code, as they existed at that time, excluding the portion of such payments attributable to levies for joint vocational school district purposes;

(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2015 under division (F)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code, as they existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges;

(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code;

(e) The amount certified for fiscal year 2015 under division (A)(2) of section 3317.08 of the Revised Code;

(f) Distributions received during calendar year 2014 from taxes levied under section 718.09 of the Revised Code;

(g) Distributions received during fiscal year 2015 from the gross casino revenue county student fund.

(4)(a) "State education aid" for a school district means the sum of state amounts computed for the district under sections 3317.022 and 3317.0212 of the Revised Code after any amounts are added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section 263.250 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.

(6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section.

(7) "Threshold per cent" means the following:

(a) For a school district in the lowest capacity quintile, one per cent for fiscal year 2016 and two per cent for fiscal year 2017.

(b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016 and two and one-half per cent for fiscal year 2017.

(c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016 and three per cent for fiscal year 2017.

(d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016 and three and one-half per cent for fiscal year 2017.

(e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016 and four per cent for fiscal year 2017.

(f) For a joint vocational school district, two per cent for fiscal year 2016 and four per cent for fiscal year 2017.

(8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C)(3)(b) of this section.

(9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year

2015 for levy losses under division (C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 5751.21 of the Revised Code, as they existed at that time, and levy losses in fiscal year 2015 under division (H) of section 5727.84 of the Revised Code as that section existed at that time attributable to levies for and payments received for losses on levies intended to generate money for maintenance of classroom facilities.

(10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes.

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code, excluding levy losses for debt purposes.

(12) "TPP fixed-sum debt levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code for debt purposes.

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code for debt purposes.

(14) "Qualifying levies" means qualifying levies described in section 5751.20 of the Revised Code as that section was in effect before July 1, 2015.

(15) "Total taxable value" has the same meaning as in section 3317.02 of the Revised Code.

(B) The department of education shall rank all school districts in the order of districts' capacity measures determined under former section 3317.018 of the Revised Code from lowest to highest, and divide such ranking into quintiles, with the first quintile containing the twenty per cent of school districts having the lowest capacity measure and the fifth quintile containing the twenty per cent of school districts having the highest capacity measure. This calculation and ranking shall be performed once, in fiscal year 2016.

(C)(1) In fiscal year 2016, payments shall be made to school districts and joint vocational school districts equal to the sum of the amounts described in divisions (C)(1)(a) or (b) and (C)(1)(c) of this section. In fiscal year 2017, payments shall be made to school districts and joint vocational school districts equal to the amount described in division (C)(1)(a) or (b) of this section.

(a) If the ratio of the current expense allocation to total resources is equal to or less than the district's threshold per cent, zero;

(b) If the ratio of the current expense allocation to total resources is greater than the district's threshold per cent, the difference between the current expense allocation and the product of the threshold percentage and total resources;

(c) For fiscal year 2016, the product of the non-current expense allocation multiplied by fifty per cent.

(2) In fiscal year 2018 and subsequent fiscal years, payments shall be made to school districts and joint vocational school districts equal to the difference obtained by subtracting the amount described in division (C)(2)(b) of this section from the amount described in division (C)(2)(a) of this section, provided that such amount is greater than zero.

(a) The sum of the payments received by the district under division (C)(1)(b) or (C)(2) of this section for the immediately preceding fiscal year;

(b) One-sixteenth of one per cent of the average of the total taxable value of the district for tax years 2014, 2015, and 2016.

(3)(a) "Total resources" used to compute payments under division (C)(1) of this section shall be reduced to the extent that payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014.

(b) "Current expense allocation" used to compute payments under division (C)(1) of this section shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014.

(4) The department of education shall report to each school district and joint vocational school district the apportionment of the payments under division (C)(1) of this section among the district's funds based on qualifying levies.

(D)(1) Payments in the following amounts shall be made to school districts and joint vocational school districts in tax years 2016 through 2021:

(a) In tax year 2016, the sum of the district's operating TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses.

(b) In tax year 2017, the sum of the district's operating TPP fixed-sum levy losses and eighty per cent of operating S.B. 3 fixed-sum levy losses.

(c) In tax year 2018, the sum of eighty per cent of the district's operating TPP fixed-sum levy losses and sixty per cent of its operating S.B. 3 fixed-sum levy losses.

(d) In tax year 2019, the sum of sixty per cent of the district's operating TPP fixed-sum levy losses and forty per cent of its operating S.B. 3 fixed-sum levy losses.

(e) In tax year 2020, the sum of forty per cent of the district's

operating TPP fixed-sum levy losses and twenty per cent of its operating S.B. 3 fixed-sum levy losses.

(f) In tax year 2021, twenty per cent of the district's operating TPP fixed-sum levy losses.

No payment shall be made under division (D)(1) of this section after tax year 2021.

(2) Amounts are payable under division (D) of this section for fixed-sum levy losses only to the extent of such losses for qualifying levies that remain in effect for the current tax year. For this purpose, a qualifying levy levied under section 5705.194 or 5705.213 of the Revised Code remains in effect for the current tax year only if a tax levied under either of those sections is charged and payable for the current tax year for an annual sum at least equal to the annual sum levied by the board of education for tax year 2004 under those sections less the amount of the payment under this division.

(E)(1) For fixed-sum levies for debt purposes, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the district's fixed-sum levy loss determined under division (E) of section 5751.20 and division (H) of section 5727.84 of the Revised Code as in effect before July 1, 2015, and paid in tax year 2014. No payment shall be made for qualifying levies that are no longer charged and payable.

(2) Beginning in 2016, by the thirty-first day of January of each year, the tax commissioner shall review the calculation of fixed-sum levy loss for debt purposes determined under division (E) of section 5751.20 and division (H) of section 5727.84 of the Revised Code as in effect before July 1, 2015. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year is no longer charged and payable, a revised calculation for that year and all subsequent years shall be made.

(F)(1) For taxes levied within the ten-mill limitation for debt purposes in tax year 1998 in the case of electric company tax value losses, and in tax year 1999 in the case of natural gas company tax value losses, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5727.85 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2016.

(2) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5751.21 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend

through fiscal year 2018.

(G) If all the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows:

(1) For a merger of two or more districts, fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of the successor district shall be the sum of such items for each of the districts involved in the merger.

(2) If property is transferred from one district to a previously existing district, the amount of the total resources, current expense allocation, and non-current expense allocation that shall be transferred to the recipient district shall be an amount equal to the total resources, current expense allocation, and non-current expense allocation of the transferor district times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the formula ADM of the transferor district.

(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any total resources, current expense allocation, total allocation, or non-current expense allocation.

(4) If the recipient district under division (G)(2) of this section or the newly created district under division (G)(3) of this section is assuming debt from one or more of the districts from which the property was transferred and any of the districts losing the property had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the reimbursements for those losses.

(H) The payments required by divisions (C), (D), (E), ~~and (F)~~, and (I) of this section shall be distributed periodically to each school and joint vocational school district by the department of education unless otherwise provided for. Except as provided in division (D) of this section, if a levy that is a qualifying levy is not charged and payable in any year after 2014, payments to the school district or joint vocational school district shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to the levy loss of that levy.

(I) For fiscal years 2022 through 2026, if the total amount to be

received under divisions (C) and (E) of this section by any school district that has a nuclear power plant located within its territory is less than the amount the district received under this section in fiscal year 2017, the district shall receive a supplemental payment equal to the difference between the amount to be received under those divisions for the fiscal year and the amount received under this section in fiscal year 2017.

Sec. 5709.93. (A) As used in this section:

(1) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.

(2) "Threshold per cent" means two per cent for fiscal year 2016; and, for fiscal year 2017 and thereafter, the sum of the prior year's threshold per cent plus two percentage points.

(3) "Public library" means a county, municipal, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code.

(4) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.

(5) "Municipal current expense allocation" means the sum of the payments received by a municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1)(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 of the Revised Code as they existed at that time.

(6) "Current expense allocation" means the sum of the payments received by a local taxing unit or public library in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time, less any reduction required under division (B)(2) of this section.

(7) "TPP inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under division (A)(3) of section 5751.22 of the Revised Code as that section existed at that time.

(8) "S.B. 3 inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under section (A)(4) of section 5727.86 of the Revised Code as that section existed at that time.

(9) "Qualifying levy" means a levy for which payment was made in calendar year 2014 under division (A)(1) of section 5727.86 and divisions

(A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time.

(10) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(10)(a) and (b) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(11) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(11)(a) and (b) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county for senior services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(12) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(12)(a) and (b) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county for children's services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(13) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(13)(a) and (b) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county for public health related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they

existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(14) "Total resources," in the case of all county functions not included in divisions (A)(10) to (13) of this section, means the sum of the amounts in divisions (A)(14)(a) to (e) of this section less any reduction required under division (B)(1) or (2) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014, excluding taxes charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the county in calendar year 2014 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code;

(e) The sum of amounts distributed to the county from the gross casino revenue county fund from July 2014 through April 2015.

(15) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(15)(a) to (h) of this section less any reduction required under division (B)(1) or (2) of this section.

(a) The sum of the payments received by the municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) The sum of the amounts distributed to the municipal corporation

in calendar year 2014 pursuant to section 5747.50 of the Revised Code;

(d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for municipal current expenses for tax year 2014;

(e) The amount of admissions tax collected by the municipal corporation in calendar year 2013, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2013 for which the municipal corporation has reported data to the commissioner;

(f) The amount of income taxes collected by the municipal corporation in calendar year 2013 as certified to the tax commissioner under section 5747.50 of the Revised Code in 2013, or if such information has not yet been reported to the commissioner, in the most recent year before 2014 for which the municipal corporation has reported such data to the commissioner;

(g) The sum of the amounts distributed to the municipal corporation from the gross casino revenue host city fund from July 2014 through April 2015;

(h) The sum of the amounts distributed to the municipal corporation from the gross casino revenue county fund from July 2014 through April 2015.

(16) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(16)(a) to (c) of this section less any reduction required under division (B)(1) or (2) of this section.

(a) The sum of the payments received by the township in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes;

(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from levies imposed under section 5705.23 of the Revised Code.

(17) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, township, or public library means the sum of the amounts in divisions (A)(17)(a) to (e) of this section less any reduction

required under division (B)(1) of this section.

(a) The sum of the payments received by the local taxing unit in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to taxes levied by the local taxing unit, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from a levy imposed under section 5705.23 of the Revised Code;

(d) The amount received from the tax commissioner during calendar year 2014 for sales or use taxes authorized under sections 5739.023 and 5741.022 of the Revised Code;

(e) For institutions of higher education receiving tax revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for fiscal year 2014 as calculated by the chancellor of higher education and reported to the state controlling board.

(18) "Total resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, means the sum of the amounts in divisions (A)(18)(a) to (d) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county, municipal corporation, school district, or township public library in calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library;

(b) The public library's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to a tax levied pursuant to section 5705.23 of the

Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding any tax that is charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the library district from the county public library fund in calendar year 2014, as reported to the tax commissioner by the county auditor.

(19) "Municipal current expense property tax levies" means all property tax levies of a municipality, except those with the following levy names: library; airport resurfacing; bond or any levy name including the word "bond"; capital improvement or any levy name including the word "capital"; debt or any levy name including the word "debt"; equipment or any levy name including the word "equipment," unless the levy is for combined operating and equipment; employee termination fund; fire pension or any levy containing the word "pension," including police pensions; fireman's fund or any practically similar name; sinking fund; road improvements or any levy containing the word "road"; fire truck or apparatus; flood or any levy containing the word "flood"; conservancy district; county health; note retirement; sewage, or any levy containing the words "sewage" or "sewer"; park improvement; parkland acquisition; storm drain; street or any levy name containing the word "street"; lighting, or any levy name containing the word "lighting"; and water.

(20) "Operating fixed-rate levy loss" means, in the case of local taxing units other than municipal corporations, fixed-rate levy losses of levies imposed for purposes other than paying debt charges or, in the case of municipal corporations, fixed-rate levy losses of municipal current expense property tax levies.

(21)(a) "Qualifying municipal corporation" means a municipal corporation in the territory of which a qualifying end user is located.

(b) "Qualifying end user" means an end user of at least seven million qualifying kilowatt hours of electricity annually.

(c) "Qualifying kilowatt hours" means kilowatt hours of electricity generated by a renewable energy resource, as defined in section 5727.01 of the Revised Code, using wind energy and the distribution of which is subject to the tax levied under section 5727.81 of the Revised Code for any measurement period beginning after June 30, 2015.

(22) Any term used in this section has the same meaning as in section 5727.84 or 5751.20 of the Revised Code unless otherwise defined by this section.

(B)(1) "Total resources" used to compute payments to be made under division (C) of this section shall be reduced to the extent that payments

distributed in calendar year 2014 were attributable to levies no longer charged and payable.

(2) "Current expense allocation" used to compute payments to be made under division (C) of this section shall be reduced to the extent that payments distributed in calendar year 2014 were attributable to levies no longer charged and payable.

(C)(1) Except as provided in division (D) of this section, the tax commissioner shall compute payments for operating fixed-rate levy losses of local taxing units and public libraries for fiscal year 2016 and each year thereafter as prescribed in divisions (C)(1)(a) and (b) of this section:

(a) For public libraries and local taxing units other than municipal corporations:

(i) If the ratio of current expense allocation to total resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of current expense allocation to total resources is greater than the threshold per cent, the current expense allocation minus the product of total resources multiplied by the threshold per cent.

(b) For municipal corporations:

(i) If the ratio of the municipal current expense allocation to total resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of the municipal current expense allocation to total resources is greater than the threshold per cent, the municipal current expense allocation minus the product of total resources multiplied by the threshold per cent.

(2) For any local taxing unit or public library with operating fixed-rate levy losses greater than zero, the operating fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library shall be reduced by the amount allocated to the levy that is no longer charged and payable.

(D)(1) Except as provided in division (D)(2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not charged and payable for debt purposes in fiscal year 2016 or any year thereafter.

(2) No payment shall be made for TPP inside millage debt levy loss in calendar year 2018 or thereafter. No payment shall be made for S.B.3 inside millage debt levy loss in calendar year 2017 or thereafter.

(E) For a qualifying municipal corporation, the tax commissioner shall compute payments for fiscal year 2016 and each ensuing fiscal year in an amount equal to the amount of tax imposed under section 5727.81 of the Revised Code and paid on the basis of qualifying kilowatt hours of electricity distributed through the meter of a qualifying end user located in the municipal corporation for measurement periods ending in the preceding calendar year. The payment shall be computed regardless of whether the qualifying municipal corporation qualifies for a payment under any other division of this section for the fiscal year in which the payment is computed under this division. For the purposes of this division, the commissioner may require an electric distribution company distributing qualifying kilowatt hours or, if the end user is a self-assessing purchaser, the end user, to report to the commissioner the number of qualifying kilowatt hours distributed through the meter of the qualifying end user.

(F)(1) The payments required to be made under divisions (C) ~~and~~ (D), ~~and~~ (H) of this section shall be paid from the local government tangible property tax replacement fund to the county undivided income tax fund in the proper county treasury. Beginning in August 2015, one-half of the amount determined under each of those divisions shall be paid on or before the last day of August each year, and one-half shall be paid on or before the last day of February each year. Within thirty days after receipt of such payments, the county treasurer shall distribute amounts determined under this section to the proper local taxing unit or public library as if they had been levied and collected as taxes, and the local taxing unit or public library shall allocate the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes.

(2) On or before the last day of August and of February of each fiscal year that follows a calendar year in which taxes are paid on the basis of qualifying kilowatt hours of electricity distributed through the meter of a qualifying end user located in a qualifying municipal corporation, one-half of the payment computed under division (E) of this section shall be paid from the local government tangible personal property tax replacement fund directly to the qualifying municipal corporation. The municipal corporation shall credit the payments to a special fund created for the purpose of providing grants or other financial assistance to the qualifying end user or to compensate the municipal corporation for municipal income tax or other tax credits or reductions as the legislative authority may grant to the qualifying end user. Such grants or other financial assistance may be provided for by ordinance or resolution of the legislative authority of the qualifying municipal corporation and may continue for as long as is provided by the ordinance or resolution.

(G) If all or a part of the territories of two or more local taxing units are merged, or unincorporated territory of a township is annexed by a

municipal corporation, the tax commissioner shall adjust the payments made under this section to each of the local taxing units in proportion to the square mileage of the merged or annexed territory as a percentage of the total square mileage of the jurisdiction from which the territory originated, or as otherwise provided by a written agreement between the legislative authorities of the local taxing units certified to the commissioner not later than the first day of June of the calendar year in which the payment is to be made.

(H) For fiscal years 2022 through 2026, if the total amount to be received under division (C) of this section by a joint fire district that has a nuclear power plant located within its territory is less than the amount the district received under this section in fiscal year 2017, the district shall receive a supplemental payment equal to the difference between the amount to be received under that division for the fiscal year and the amount received under this section in fiscal year 2017. "

In line 80637, after "5709.41," insert "5709.92, 5709.93,"

In line 96256, delete "\$7,000,000 \$6,000,000" and insert "\$7,256,000 \$6,307,000"

In line 96260, add \$256,000 to fiscal year 2022 and add \$307,000 to fiscal year 2023

In line 96278, add \$256,000 to fiscal year 2022 and add \$307,000 to fiscal year 2023

Delete lines 96353 through 96358

In line 86367, delete "\$1,800,000" and insert "\$2,300,000"

In line 86371, add \$500,000 to fiscal year 2022

In line 86392, add \$500,000 to fiscal year 2022

In line 86736, delete "\$1,100,000" and insert "\$1,600,000"

In line 93252, after the period insert "These funds shall only be allocated to existing programs."

In line 93013, delete "\$87,756,596 \$87,164,846" and insert "\$89,506,596 \$88,914,846"

In line 93024, add \$1,750,000 to each fiscal year

In line 93055, add \$1,750,000 to each fiscal year

In line 93199, delete "\$1,400,000" and insert "\$1,000,000"

Delete lines 93225 through 93235

Delete lines 93758 through 93763

In line 86368, delete "\$50,000 \$50,000" and insert "\$100,000 \$100,000"

In line 86371, add \$50,000 to each fiscal year

In line 86392, add \$50,000 to each fiscal year

In line 101 of the title, delete "4759.10,"

In line 309, delete "4759.10,"

Delete lines 61104 through 61191

In line 80621, delete "4759.10,"

In line 98 of the title, delete "4731.36,"

In line 306, delete "4731.36,"

Delete lines 59751 through 59853

In line 80618, delete "4731.36,"

In line 97 of the title, delete "4731.251,"

In line 167 of the title, delete "4731.254,"

In line 306, delete "4731.251,"

In line 357, delete "4731.254,"

Delete lines 59560 through 59750

In line 80618, delete "4731.251,"

In line 166 of the title, after "4729.284," insert "4731.152,"

In line 357, after "4729.284," insert "4731.152,"

After line 58812, insert:

"Sec. 4731.152. (A) The state medical board shall appoint a massage therapy advisory council for the purpose of advising the board on issues relating to the practice of massage therapy. The advisory council shall consist of not more than seven individuals knowledgeable in the area of massage therapy.

A majority of the council members shall be individuals licensed to practice massage therapy under this chapter who are actively engaged in the practice of massage therapy. The board shall include all of the following on the council:

(1) One physician who is a member of the state medical board;

(2) One massage therapy educator;

(3) One individual who is not affiliated with any health care profession, who shall be appointed to represent the interest of consumers.

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.

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.

(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.

(C) Members shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in performing their official duties.

(D) The council shall meet at least four times each year and at other times as may be necessary to carry out its responsibilities.

(E) The council may submit to the board recommendations concerning all of the following:

(1) Requirements for issuing a license to practice as a licensed massage therapist, including the educational and experience requirements that must be met to receive the license;

(2) Existing and proposed rules pertaining to the practice of massage therapy and the administration and enforcement of this chapter as it pertains to massage therapy;

(3) Standards for the approval of educational programs required to qualify for licensure;

(4) Policies related to the issuance and renewal of a license to practice massage therapy;

(5) Fees for the issuance and renewal of a license to practice massage therapy;

(6) Standards of practice and ethical conduct in the practice of massage therapy;

(7) The safe and effective practice of massage therapy, including scope of practice and minimal standards of care."

After line 90748a, insert:

"GRF 600XXX Ohio Governor \$8,000,000 \$8,000,000"

Imagination Library

In line 90764, add \$8,000,000 to each fiscal year

In line 90815, add \$8,000,000 to each fiscal year

Delete lines 92136 and 92136a

In line 92138, subtract \$8,000,000 from each fiscal year

In line 92150, subtract \$8,000,000 from each fiscal year

Delete lines 86772 through 86785

Delete lines 99417 through 99448

After line 91453, insert:

"If receipts credited to the Victims of Human Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated."

After line 91436, insert:

"The Director of Job and Family Services may seek Controlling Board approval to transfer up to \$21,000,000 cash in each fiscal year from the ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) to the Human Services Projects Fund (Fund 5RY0)."

In line 91010, delete "\$250,000" and insert "\$1,000,000"

Delete lines 90963 through 90967

In line 90821, delete ", subject to approval by the Controlling Board"

In line 90822, delete "600523" and insert "600521"

In line 90831, delete ", subject to approval of the"

In line 90832, delete "Controlling Board"

In line 90833, delete "The" and insert "At the request of the"; After "Services" insert ", the Director of Budget and Management"; delete "seek"

In line 90834, delete "Controlling Board approval to"

In line 46395, after "a" insert "complete"

In line 46399, after "the" insert "complete"

In line 62622, delete "and" and insert "."

In line 62623, after the second "senate" insert ", and the minority leaders of both the house of representatives and the senate"

In line 161 of the title, delete "3333.0417,"; after "3333.615," insert "3345.027,"

In line 353, delete "3333.0417,"; after "3333.615," insert "3345.027,"

Delete lines 42915 through 42927

After line 43575, insert:

"Sec. 3345.027. A state institution of higher education, as defined in section 3345.011 of the Revised Code, shall not withhold a student's official transcripts from a potential employer because the student owes money to the institution, provided the student has authorized the transcripts to be sent to the employer and the employer affirms to the institution that the transcripts are a prerequisite of employment."

In line 45 of the title, delete "3107.014,"

In line 170 of the title, delete "5103.57,"

In line 267, delete "3107.014,"

In line 359, delete "5103.57,"

Delete lines 27385 through 27475

Delete lines 62860 through 62878

In line 80579, delete "3107.014,"

In line 71 of the title, after "3333.31," insert "3333.38,"

In line 74 of the title, after "3335.38," insert "3345.32,"

In line 161 of the title, after "3333.0417," insert "3333.125,"

In line 287, after "3333.31," insert "3333.38,"

In line 288, after "3335.38," insert "3345.32,"

In line 353, after "3333.0417," insert "3333.125,"

After line 42979, insert:

"Sec. 3333.125. (A) As used in this section:

(1) "Eligible student" means an individual who satisfies all of the following:

(a) The individual is an Ohio resident.

(b) The individual is enrolled in a certified commercial driver's license school.

(c) The individual has passed a drug test.

(d) The individual does not have more than three moving violations in two consecutive years. If an individual who the chancellor of higher education has determined is an eligible student has three moving violations in two consecutive years while participating in the program, the individual shall no longer be considered eligible for continued participation in the program.

(e) The individual has not plead guilty to or been convicted of operating a vehicle under the influence of alcohol or a drug of abuse under section 4511.19 of the Revised Code in the past twelve months. If an

individual who the chancellor has determined is an eligible student pleads guilty to or is convicted of operating a 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.

(f) The individual meets any additional eligibility criteria established under rules adopted by the chancellor under division (G) of this section.

(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.

No commercial driver's license school that charges employers recruiting fees shall be certified under this division.

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.

(3) "Cost of attendance" and "expected family contribution" shall be defined by the chancellor.

(4) "Employed in this state" means either of the following:

(a) An individual is employed as a truck driver by an entity that has a valid mailing address in the state.

(b) An individual is self-employed as a truck driver using a valid mailing address in the state.

(5) "Moving violation" has the same meaning as in section 4510.01 of the Revised Code.

(B) The commercial truck driver student aid program is hereby 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.

(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.

The fund shall be used by the chancellor for grants and loans made

under this section and for expenses of administering the program.

(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.

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.

(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.

(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.

(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:

(a) Satisfy the residency and employment requirement under that division;

(b) Complete the certified commercial driver's license program in which the student was enrolled.

(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.

(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:

(a) The student completes a certified commercial driver's license program and meets the residency and employment requirement under division (B) of this section.

(b) The student dies or becomes totally and permanently disabled.

(G) The chancellor shall adopt rules, in accordance with Chapter 119.

of the Revised Code, necessary for the operation of the program, including rules for all of the following:

(1) Terms and conditions for loans under the program;

(2) Requirements for certification of commercial driver's license schools;

(3) Additional eligibility criteria that the chancellor determines necessary for individuals participating in the program."

After line 43175, insert:

"Sec. 3333.38. (A) As used in this section:

(1) "Institution of higher education" includes all of the following:

(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(b) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;

(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;

(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.

(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.122, 3333.125, 3333.21, 3333.26, 3333.28, 3333.372, 3333.391, 5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an award under the choose Ohio first scholarship program established under section 3333.61 of the Revised Code, or financed by an award under the Ohio co-op/internship program established under section 3333.72 of the Revised Code, and any other post-secondary student financial assistance supported by state funds.

(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:

(1) A violation of section 2917.02 or 2917.03 of the Revised Code;

(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree;

(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code.

(C) If an individual is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of section 2917.02 or 2917.03 of the Revised Code, and if the individual is enrolled in a state-supported institution of higher education, the institution in which the individual is enrolled shall immediately dismiss the individual. No state-supported institution of higher education shall admit an individual of that nature for one academic year after the individual applies for admission to a state-supported institution of higher education. This division does not limit or affect the ability of a state-supported institution of higher education to suspend or otherwise discipline its students."

After line 43613, insert:

"Sec. 3345.32. (A) As used in this section:

(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeast Ohio medical university.

(2) "Resident" has the meaning specified by rule of the chancellor of higher education.

(3) "Statement of selective service status" means a statement certifying one of the following:

(a) That the individual filing the statement 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;

(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) to (iv) of this section, a section shall be provided on the statement of selective service status for the certification of nonregistration and for an explanation of the reason for the exemption. The chancellor may require that such statements be accompanied by documentation specified by rule of the chancellor.

(C) A state university or college that enrolls in any course, class, or program a male student born after December 31, 1959, who has not filed a statement of selective service status with the university or college shall, regardless of the student's residency, charge the student any tuition surcharge charged students who are not residents of this state.

(D) No male born after December 31, 1959, shall be eligible to receive any loan, grant, scholarship, or other financial assistance for educational expenses granted under section 3315.33, 3333.12, 3333.122, 3333.125, 3333.21, 3333.22, 3333.26, 3333.391, 5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an award under the choose Ohio first scholarship program established under section 3333.61 of the Revised Code, or financed by an award under the Ohio co-op/internship program established under section 3333.72 of the Revised Code, unless that person has filed a statement of selective service status with that person's institution of higher education.

(E) If an institution of higher education receives a statement from an individual certifying that the individual 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, or that the individual is exempt from registration for a reason other than that the individual is under eighteen years of age, the institution shall not require the individual to file any further statements. If it receives a statement certifying that the individual is not required to register because the individual is under eighteen years of age, the institution shall require the individual to file a new statement of selective service status each time the individual seeks to enroll for a new academic term or makes application for a new loan or loan guarantee or for any form of financial assistance for educational expenses, until it receives a statement certifying that the individual has registered with the selective service system or is exempt from registration for a reason other than that the individual is under eighteen years of age."

In line 80599, after "3333.31," insert "3333.38,"

In line 80600, after "3335.38," insert "3345.32,"

After line 94714a, insert:

"GRF 235595 Commercial Truck Driver Student Aid Program
\$2,500,000 \$2,500,000"

In line 94718, add \$2,500,000 to each fiscal year

In line 94745, add \$2,500,000 to each fiscal year

After line 95910, insert:

"COMMERCIAL TRUCK DRIVER STUDENT AID PROGRAM

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."

In line 183 of the title, delete "3333.80,"

In line 184 of the title, delete "3333.801, 3333.802,"

In line 80651, delete "3333.80, 3333.801, 3333.802,"

After line 94728a, insert:

"5UK0 235594 OhioCorps Program \$150,000 \$0"

In line 94732, add \$150,000 to fiscal year 2022

In line 94745, add \$150,000 to fiscal year 2022

After line 96048, insert:

"Section 381.460. OHIOCORPS PROGRAM

Of the foregoing appropriation item 235594, OhioCorps Program, up to \$50,000 in fiscal year 2022 shall be used by the Chancellor of Higher Education to implement and administer the OhioCorps Program pursuant to sections 3333.80 to 3333.802 of the Revised Code.

The remainder of the foregoing appropriation item 235594, OhioCorps Program, shall be used by the Chancellor of Higher Education to assist eligible state institutions of higher education, as defined in division (A) (4) of section 3333.80 of the Revised Code, in establishing and administering OhioCorps mentorship programs and scholarships under sections 3333.80 and 3333.801 of the Revised Code.

On July 1, 2021, or as soon as possible thereafter, the Chancellor of Higher Education may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 235594, OhioCorps Program, 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 for purposes of providing funds to support mentorship programs and scholarships under the OhioCorps Program.

The OhioCorps Program established under sections 3333.80 to 3333.802 of the Revised Code shall be prohibited from adding new students after the 2020-2021 academic year and shall cease to exist at the conclusion of the 2021-2022 academic year. Notwithstanding sections 3333.80 to 3333.802 of the Revised Code, each student that is otherwise eligible to receive a scholarship under the OhioCorp Program established under those sections shall receive \$1,000 upon conclusion of the 2021-2022 academic year."

After line 97453, insert:

"Section 512. ____. GENERAL REVENUE FUND TRANSFER TO OHIOCORPS FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$150,000 cash from the General Revenue Fund to the OhioCorps Fund (Fund 5UKO).

On June 30, 2022, or as soon as possible thereafter, the Director of Budget Management shall transfer the cash balance in the OhioCorps Fund (Fund 5UK0) to the General Revenue Fund."

Delete lines 97503 through 97503b

In line 161 of the title, after "3345.063," insert "3345.82,"

In line 353, after "3345.063," insert "3345.82,"

After line 43613, insert:

"Sec. 3345.82. (A) As used in this section, "electronic communication" means live, audio-enabled communication that permits the trustees attending a meeting, the trustees present in person at the place where the meeting is conducted, and all members of the public present in person at the place where the meeting is conducted to simultaneously communicate with each other during the meeting.

(B) Notwithstanding division (C) of section 121.22 and sections 3335.06 and 3343.04 of the Revised Code, the board of trustees of a state institution of higher education, as defined in section 3345.011 of the Revised Code, may establish a policy that allows trustees to attend a meeting of the board of trustees via means of electronic communication. The policy shall specify at least all of the following:

(1) The number of regular meetings at which each trustee shall be present in person, which may not be less than one-half of the regular meetings of the board annually; and

(2) All of the following minimum standards regarding a meeting conducted using means of electronic communication:

(a) That at least one-third of the trustees attending the meeting shall be present in person at the place where the meeting is conducted;

(b) That all votes taken at the meeting are taken by roll call vote; and

(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.

(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.

(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."

In line 95478, after the first "to" insert "student health insurance,"

In line 94695, delete "\$1,340,925 \$653,000" and insert "\$1,540,925 \$853,000"

In line 94718, add \$200,000 to each fiscal year

In line 94745, add \$200,000 to each fiscal year

After line 95681, insert:

"Of the foregoing appropriation item 235533, Program and Project Support, \$100,000 in each fiscal year shall be allocated to support the Kent State University Rising Scholars Program.

Of the foregoing appropriation item 235533, Program and Project Support, \$100,000 in each fiscal year shall be used to support the Clearance Ready Program at Wright State University."

In line 94710, delete "\$105,256,352 \$111,000,000" and insert "\$106,756,352 \$112,500,000"

In line 94718, add \$1,500,000 to each fiscal year

In line 94726, delete "\$5,000,000 \$5,000,000" and insert "\$3,500,000 \$3,500,000"

In line 94732, subtract \$1,500,000 from each fiscal year

In line 97379, delete "\$10,000,000" and insert "\$7,000,000"

In line 94734, delete "\$6,000,000 \$6,000,000" and insert "5,000,000 \$5,000,000"

In line 94736, subtract \$1,000,000 from each fiscal year

In line 94745, subtract \$1,000,000 from each fiscal year

In line 96081, after "to" delete the balance of the line

Delete line 96082

In line 90651, delete "The" and insert "the"

In line 90652, delete "Museum of Art" and insert "Institute of Music"

After line 99341, insert:

"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;

(2) A private, nonprofit institution of higher education holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(3) An institution that holds a certificate of registration from the state board of career colleges and schools;

(4) An Ohio technical center, as defined in section 333.94 of the Revised Code;

(5) Any other post-secondary education provider determined appropriate by the committee.

(B) There is hereby established the Joint Legislative Study Committee regarding career pathways and post-secondary workforce training programs in Ohio.

(C) The membership of the Committee shall consist of all of the following:

(1) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;

(2) One member of the House of Representatives recommended by the Minority Leader of the House of Representatives and appointed by the Speaker of the House of Representatives;

(3) The Chairperson and Ranking Member of the House Finance

Subcommittee on Higher Education;

(4) Two members of the Senate appointed by the President of the Senate;

(5) One member of the Senate recommended by the Minority Leader of the Senate and appointed by the President of the Senate;

(6) The Chairperson and Ranking Member of the Senate Workforce and Higher Education Committee;

(7) The following members appointed by the Governor:

(a) A representative of the Governor's Office of Workforce Transformation;

(b) A representative of the Department of Education;

(c) A representative of the Chancellor of Higher Education.

(D) The Committee shall review both of the following:

(1) Current workforce training programs offered by post-secondary educational institutions and whether such programs are aligned with local, regional, and statewide workforce needs;

(2) Current career pathways, how they align with state, regional, and local labor market demand data, and whether they prioritize credentials that carry the most value in the labor market.

(E) The Committee shall develop recommendations regarding all of the following:

(1) The state's workforce education priorities and how those priorities are funded;

(2) A common definition for short-term credentials and certificates of value across primary, secondary, and post-secondary education providers that ensures consistency and alignment with the state's policy and funding priorities;

(3) Any strategies or programs the Committee identified that may ensure that the state's investments will increase student success and career readiness by increasing the number of workforce certificates and credentials that lead to an in-demand job, as defined in section 3333.94 of the Revised Code;

(4) The types of reporting and data necessary for the Chancellor to collect regarding post-secondary workforce credentials, including programs for which credit is not awarded;

(5) Policy strategies identified by the Committee to increase awareness and participation by students in career-technical pathways through partnerships between primary, secondary, and post-secondary education providers and business and industry;

(6) Strategies identified by the Committee to increase work-based learning programs such as apprenticeships and programs that permit students to attend post-secondary educational institutions while maintaining their employment;

(7) Whether the state should consider prioritizing investments in short-term credentials through a new funding structure for workforce education and career-technical programs, including both of the following:

(a) State support of workforce training programs at community colleges and Ohio technical centers;

(b) Financial aid opportunities for students pursuing a workforce certificate or credential;

(8) Strategies to improve and expand short-term workforce career pathway opportunities to make them more accessible to residents of the state.

(F) The Legislative Service Commission shall provide support to the Committee.

(G) Not later than November 1, 2022, the Committee shall issue a report, in accordance with section 101.68 of the Revised Code, that includes its findings under division (D) of this section, its recommendations under division (E) of this section, and any proposed legislative changes or funding recommendations determined appropriate by the Committee."

In line 93712, delete "Pharmacy participation" and insert "The Department shall select the pharmacies to be included"; delete "is voluntary"

In line 94714, delete "\$815,000 \$815,000" and insert "\$890,000 \$890,000"

In line 94718, add \$75,000 to each fiscal year

In line 94745, add \$75,000 to each fiscal year

After line 95875, insert:

"Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Model United Nations Program and the operations of the Center for Liberal Arts Student Success at Wright State University."

Delete lines 1741 through 1792 and insert:

"Sec. 109.111. There is hereby created in the state treasury the attorney general court order and settlement fund, ~~which shall be in the custody of the treasurer of state but shall not be part of the state treasury~~. The fund shall consist of all money ~~collected or received~~ the attorney general receives on behalf of the state or any agency or officer of the state as a result of an order of any court to be received or secured by, or delivered to, the attorney general for transfer, distribution, disbursement, or allocation pursuant to court order or judgment or any settlement or compromise of

claims, other than any amount due to the state or a political subdivision that is being collected under section 131.02 of the Revised Code. All money in the fund, including investment earnings thereon, shall be used distributed solely to make payment as directed pursuant to court order in accordance with section 109.112 of the Revised Code.

Sec. 109.112. ~~If the state of Ohio or any agency or officer of the state is named in a court order to be the recipient of any money collected or received by the attorney general~~ When any money is deposited in the attorney general court order and settlement fund created under section 109.111 of the Revised Code, the attorney general shall not ~~ify~~ proceed as follows:

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

(B) If the total amount of money to be received under the order, judgment, settlement, or compromise is less than ten thousand dollars, the attorney general shall notify the director of budget and management of the amount of money to be collected or received under, and the terms of, the court order. The director, in consultation with the attorney general, shall determine the appropriate distribution of the money to the appropriate custodial fund or funds within the state treasury, consistent with the terms of the order. Upon its collection or receipt to which the money shall be transferred, and the attorney general shall transfer the money from the attorney general court order and settlement fund to the appropriate fund or funds as determined by the director."

In line 44836, delete "solicit"; delete the second underlined comma and insert "or"; delete ", or use"; delete "monetary gift, grant, or"

In line 44837, delete "donation" and insert "money"

In line 44840, after "purpose" insert ", other than the following:

(1) The collection of any fee that is authorized by law;

(2) The use of any building to conduct an election, including as a polling place;

(3) The donation of food for precinct election officials at a polling place on election day"

After line 44840, insert:

"(C) This section does not apply to any money to be deposited in the address confidentiality program fund established under section 111.48 of the Revised Code or the women's suffrage centennial commission fund established under Section 1 of S.B. 30 of the 132nd general assembly, as amended."

In line 167 of the title, after "4731.254," insert "4731.33,"

In line 357, after "4731.254," insert "4731.33,"

After line 59750, insert:

"Sec. 4731.33. (A) As used in this section:

(1) "Light-based medical device" means any device that can be made to produce or amplify electromagnetic radiation at wavelengths equal to or greater than one hundred eighty nm but less than or equal to 1.0×10^6 nm and that is manufactured, designed, intended, or promoted for irradiation of any part of the human body for the purpose of affecting the structure or function of the body.

(2) "Physician" means a person authorized to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under this chapter.

(3) "On-site supervision" means the supervising physician is physically in the same location as the delegate during the use of a light-based medical device, but does not require the physician to be in the same room. "On-site supervision" includes the supervising physician's presence in the same office suite as the delegate during the use of the device.

(4) "Off-site supervision" means the supervising physician is continuously available for direct communication with the cosmetic therapist during the use of a light-based medical device.

(5) "Direct physical oversight" means the supervising physician is in the same room directly observing the delegate's use of the light-based medical device.

(B) A physician may delegate the application of light-based medical devices for the purpose of hair removal only if all of the following conditions are met:

(1) The light-based medical device has been specifically cleared or approved by the United States food and drug administration for the removal of hair from the human body.

(2) The use of the light-based medical device for the purpose of hair removal is within the physician's normal course of practice and expertise.

(3) The physician has seen and evaluated the patient to determine whether the proposed application of the specific light-based medical device is appropriate.

(4) The physician has seen and evaluated the patient following the initial application of the specific light-based medical device, but before any continuation of treatment, to determine that the patient responded well to that initial application of the specific light-based medical device.

(5) The person to whom the delegation is made is one of the following:

(a) A physician assistant licensed under Chapter 4730. of the Revised Code with whom the physician has an effective supervision agreement;

(b) A person who was licensed as a cosmetic therapist under Chapter 4731. of the Revised Code on April 11, 2021;

(c) A person who has completed a cosmetic therapy course of instruction for a minimum of seven hundred fifty clock hours and received a passing score on the certified laser hair removal professional examination administered by the society for clinical and medical hair removal;

(d) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code.

(C) For delegation to a physician assistant, the delegation must meet the requirements of section 4730.21 of the Revised Code.

(D)(1) For delegation to a person described under division (B)(5)(b) or (c) of this section, the physician shall ensure that the person to whom the delegation is made has received adequate education and training to provide the level of skill and care necessary, including all of the following:

(a) The person has completed eight hours of basic education that includes the following topics:

- (i) Light-based procedure physics;
- (ii) Tissue interaction in light-based procedures;
- (iii) Light-based procedure safety, including use of proper safety equipment;
- (iv) Clinical application of light-based procedures;
- (v) Preoperative and postoperative care of light-based procedure patients;

(vi) Reporting of adverse events.

(b) The person has observed fifteen procedures for each specific type of light-based medical device procedure for hair removal that the person will perform under the delegation.

(c) The person shall perform at least twenty procedures under the direct physical oversight of the physician on each specific type of light-based medical device procedure for hair removal delegated.

(2) For purposes of division (D)(1)(b) of this section, the procedures

observed shall be performed by a physician who uses the specific light-based medical device procedure for hair removal in the physician's normal course of practice and expertise.

(3) For purposes of division (D)(1)(c) of this section, the physician overseeing the performance of these procedures shall use this specific light-based medical device procedure for hair removal within the physician's normal course of practice and expertise.

(4) Each delegating physician and delegate shall document and retain satisfactory completion of training required under division (D) of this section. The education requirement in division (D)(1)(a) of this section shall be completed only once by the delegate regardless of the number of types of specific light-based medical device procedures for hair removal delegated and the number of delegating physicians. The training requirements of divisions (D)(1)(b) and (c) of this section shall be completed by the delegate once for each specific type of light-based medical device procedure for hair removal delegated regardless of the number of delegating physicians.

(E) The following delegates are exempt from the education and training requirements of division (D)(1) of this section:

(1) A person who, before the effective date of this section, has been applying a light-based medical device for hair removal for at least two years through a lawful delegation by a physician;

(2) A person described under division (B)(5)(b) of this section if the person was authorized to use a light-based medical device under the cosmetic therapist license;

(3) A person described in division (B)(5)(a) or (d) of this section.

(F) For delegation to a person under division (B)(5)(b), (c), or (d) of this section, the physician shall provide on-site supervision at all times that the person to whom the delegation is made is applying the light-based medical device.

A physician shall not supervise more than two delegates under division (B)(5)(b), (c), or (d) of this section at the same time.

(G)(1) Notwithstanding division (F) of this section, a physician may provide off-site supervision when the light-based medical device is applied for the purpose of hair removal to an established patient if the person to whom the delegation is made is a cosmetic therapist who meets all of the following criteria:

(a) The cosmetic therapist has successfully completed a course in the use of light-based medical devices for the purpose of hair removal that has been approved by the delegating physician;

(b) The course consisted of at least fifty hours of training, at least thirty hours of which was clinical experience;

(c) The cosmetic therapist has worked under the on-site supervision of the delegating physician for a sufficient period of time that the physician is satisfied that the cosmetic therapist is capable of competently performing the service with off-site supervision.

(2) The cosmetic therapist shall maintain documentation of the successful completion of the required training.

(H) A delegate under this section shall immediately report to the supervising physician any clinically significant side effect following the application of the light-based medical device or any failure of the treatment to progress as was expected at the time the delegation was made. The physician shall see and personally evaluate the patient who has experienced the clinically significant side effect or whose treatment is not progressing as expected as soon as practicable.

(I) No physician shall fail to comply with division (A), (B), (G), or (H) of this section. A violation of this division constitutes a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established, under division (B)(6) of section 4731.22 of the Revised Code.

(J) No physician shall delegate the application of light-based medical devices for the purpose of hair removal to a person who is not listed in division (B)(5) of this section. A violation of this division constitutes violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate section 4731.41 of the Revised Code for purposes of division (B)(20) of section 4731.22 of the Revised Code.

(K) No cosmetic therapist to whom a delegation is made under division (B)(5)(b) or (c) of this section shall fail to comply with division (G) or (H) of this section. A violation of this division constitutes the unauthorized practice of medicine pursuant to section 4731.41 of the Revised Code.

(L) No physician assistant shall fail to comply with division (H) of this section. A violation of this division constitutes a departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to patient is established, for purposes of division (B)(19) of section 4730.25 of the Revised Code."

After line 100107, insert:

"Section 755. The Director of Transportation, in consultation with the county engineers of Miami County and Darke County, shall conduct a traffic study for the intersection of United States Route number thirty-six and State Route number seven hundred twenty-one. The traffic study shall

examine how to improve the intersection in ways that increase the safety and convenience of the traveling public, particularly examining if installing a traffic control signal will result in such an increase. The Director shall complete the traffic study not later than August 1, 2022."

In line 100452, after "733.70," insert "755.____,"

In line 150 of the title, after "727.031," insert "940.111,"

In line 344, after "727.031," insert "940.111,"

After line 17644, insert:

"Sec. 940.111. (A) As used in this section:

(1) "Financial transaction device" includes a credit card, debit card, charge card, or prepaid or stored value card, or automated clearinghouse network credit, debit, or e-check entry that includes, but is not limited to, accounts receivable and internet-initiated, point of purchase, and telephone-initiated applications or any other device or method for making an electronic payment or transfer of funds.

(2) "Soil and water district officials" includes the board of supervisors of a soil and water conservation district and employees of the district.

(3) "Soil and water district expenses" includes payments or any other expense a person owes or otherwise pays to a soil and water conservation district under the authority of this chapter.

(B) Notwithstanding any other section of the Revised Code, the board of supervisors of a soil and water conservation district may adopt a resolution authorizing the acceptance of payments by financial transaction devices for soil and water district expenses.

The resolution shall include the following:

(1) A specification of those soil and water district officials who are authorized to accept payments by financial transaction device;

(2) A list of soil and water district expenses that may be paid for through the use of a financial transaction device;

(3) Specific identification of financial transaction devices that the board authorizes as acceptable means of payment for soil and water district expenses. Uniform acceptance of financial transaction devices among different types of soil and water district expenses is not required.

(4) The amount, if any, authorized as a surcharge or convenience fee under division (D) of this section for persons using a financial transaction device. Uniform application of surcharges or convenience fees among different types of soil and water district expenses is not required.

(5) A specific provision as provided in division (F) of this section requiring the payment of a penalty if a payment made by means of a financial

transaction device is returned or dishonored for any reason.

The board's resolution shall also designate the county treasurer as an administrative agent to solicit proposals, within guidelines established by the board in the resolution and in compliance with the procedures provided in division (C) of this section, from financial institutions, issuers of financial transaction devices, and processors of financial transaction devices, to make recommendations about those proposals to the board, and to assist the soil and water conservation district in implementing the board's financial transaction devices program. The county treasurer may decline this responsibility within thirty days after receiving a copy of the board's resolution by notifying the board in writing within that period. If the treasurer so notifies the board, the board shall perform the duties of the administrative agent.

If the county treasurer is the administrative agent and fails to administer the board's financial transaction devices program in accordance with the guidelines in the board's resolution, the board shall notify the treasurer in writing of the board's findings, explain the failures, and give the treasurer six months to correct the failures. If the treasurer fails to make the appropriate corrections within that six-month period, the board may adopt a resolution declaring the board to be the administrative agent. The board may later rescind that resolution at its discretion.

(C) The board shall follow the procedures provided in this division whenever it plans to contract with financial institutions, issuers of financial transaction devices, or processors of financial transaction devices for the purposes of this section. The administrative agent shall request proposals from at least three financial institutions, issuers of financial transaction devices, or processors of financial transaction devices, as appropriate in accordance with the resolution adopted under division (B) of this section. Prior to sending any financial institution, issuer, or processor a copy of any such request, the board shall advertise its intent to request proposals in a newspaper of general circulation in the soil and water conservation district once a week for two consecutive weeks or as provided in section 7.16 of the Revised Code.

The notice shall:

(1) State that the board intends to request proposals;

(2) Specify the purpose of the request;

(3) Indicate the date, which shall be at least ten days after the second publication, on which the request for proposals will be mailed to financial institutions, issuers, or processors;

(4) Require that any financial institution, issuer, or processor, whichever is appropriate, interested in receiving the request for proposals

submit written notice of this interest to the board not later than noon of the day on which the request for proposals will be mailed.

Upon receiving the proposals, the administrative agent shall review them and make a recommendation to the board on which proposals to accept. The board shall consider the agent's recommendation and review all proposals submitted, and then may choose to contract with any or all of the entities submitting proposals, as appropriate. The board shall provide any financial institution, issuer, or processor that submitted a proposal, but with which the board does not enter into a contract, notice that its proposal is rejected. The notice shall state the reasons for the rejection, indicate whose proposals were accepted, and provide a copy of the terms and conditions of the successful bids.

(D) A board of supervisors of a soil and water conservation district may establish a surcharge or convenience fee that may be imposed upon a person making payment by a financial transaction device. The surcharge or convenience fee shall not be imposed unless authorized or otherwise permitted by the rules prescribed by an agreement governing the use and acceptance of the financial transaction device. If a surcharge or convenience fee is imposed, the board shall clearly post a notice and shall notify each person making a payment by such a device about the surcharge or fee. Notice to each person making a payment shall be provided regardless of the medium used to make the payment and in a manner appropriate to that medium.

Each notice shall include all of the following:

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

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

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

(E) If a person elects to make a payment to the soil and water conservation district by a financial transaction device and a surcharge or convenience fee is imposed, the payment of the surcharge or fee shall be considered voluntary and the surcharge or fee is not refundable.

(F) If a person makes payment by financial transaction device and the payment is returned or dishonored for any reason, the person is liable to the soil and water conservation district for payment of a penalty over and above the amount of the expense due. The board shall determine the amount of the penalty, which may be either a fee not to exceed twenty dollars or payment of the amount necessary to reimburse the district for banking charges, legal fees, or other expenses incurred by the district in collecting the returned or

dishonored payment. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies provided by law.

(G) No person making any payment by financial transaction device to a soil and water conservation district shall be relieved from liability for the underlying obligation except to the extent that the district realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the financial transaction device issuer or other guarantor of payment in the transaction, the underlying obligation survives and the district retains all remedies for enforcement that would have applied if the transaction had not occurred.

(H) A soil and water district official who accepts a financial transaction device payment in accordance with this section and any applicable state or local policies or rules is immune from personal liability for the final collection of such payments."

In line 17 of the title, after "126.021," insert "126.37,"

In line 246, after "126.021," insert "126.37,"

After line 10248, insert:

"Sec. 126.37. (A) The director of budget and management ~~shall void any warrant the director draws on the state treasury pursuant to Chapter 5733 or 5747 of the Revised Code that is not presented for payment to the treasurer of state within two years after the date of issuance and shall void any other warrant the director draws on the state treasury that is not presented for payment~~ to the treasurer of state within ninety days after the date of issuance.

(B) If a warrant voided pursuant to division (A) of this section was drawn against an appropriation of the current fiscal year and the holder of the voided warrant presents the warrant for reissuance, in the same fiscal year, to the state agency that made the payment originally, the agency shall prepare a voucher for the holder of the voided warrant, in the amount shown on the warrant that has been voided, against the same appropriation of the same fiscal year if the agency is satisfied that payment is proper.

(C) If a warrant was drawn against an appropriation of the first fiscal year of the fiscal biennium and voided pursuant to division (A) of this section in either fiscal year of the biennium and if the holder of the voided warrant presents the warrant for reissuance, in the second fiscal year of the biennium, to the state agency that made the payment originally, the agency shall prepare a voucher for the holder of the voided warrant, in the amount shown on the warrant that has been voided, against funds transferred to the agency by the director pursuant to section 131.33 of the Revised Code, if the agency is satisfied that payment is proper. If no such funds are available for transfer,

the agency shall prepare the voucher against any unexpended appropriations of the current fiscal year available to it.

(D) If a warrant was drawn against an appropriation and, during the same biennium, was voided pursuant to division (A) of this section, and if, after that biennium, the holder of the voided warrant presents the warrant for reissuance to the state agency that made the payment originally, the agency shall prepare a voucher for the holder of the voided warrant, in the amount shown on the warrant that has been voided, against any appropriation of the current fiscal year made to the agency if the agency is satisfied that payment is proper.

(E) If a warrant voided pursuant to division (A) of this section was drawn against an appropriation of a previous fiscal year and voided after that fiscal biennium and if the holder of the voided warrant presents the warrant for reissuance to the state agency that made the payment originally, the agency shall forward the warrant to the director with a request for reissuance. The director shall make payment to the holder of the voided warrant, in the amount shown on the warrant that has been voided, against an appropriation of the current fiscal year made to the director for the reissuance of voided warrants, if the director is satisfied that reissuance of the warrant is proper."

In line 80558, after "126.021," insert "126.37,"

In line 16642, delete "collects" and insert ", on or before October 17, 2019, collected"

In line 16645, after "may" insert "continue to"

In line 17 of the title, after "131.025," insert "131.43,"

In line 246, after "131.025," insert "131.43,"

After line 10448, insert:

"Sec. 131.43. There is hereby created in the state treasury the budget stabilization fund. All investment earnings of the fund shall be credited to the fund. It is the intent of the general assembly to maintain an amount of money in the budget stabilization fund that amounts to approximately eight and one-half per cent of the general revenue fund revenues for the preceding fiscal year. The governor shall include in the state budget the governor submits to the general assembly under section 107.03 of the Revised Code proposals for transfers between the general revenue fund and the budget stabilization fund for the ensuing fiscal biennium. The balance in the fund may be combined with the balance in the general revenue fund for purposes of cash management."

In line 80559, after "131.025," insert "131.43,"

In line 144 of the title, delete "122.4090, 122.4091, 122.4093, 122.4095,"

In line 145 of the title delete "122.4097, 122.4098,"

In line 340, delete "122.4090, 122.4091, 122.4093, 122.4095, 122.4097,"

In line 341, delete "122.4098,"

Delete lines 6544 through 6645

In line 97022, after "Claims" insert "or by any other court of competent jurisdiction"

In line 97027, after the period insert "Notwithstanding any other statute to the contrary, this authorization includes appropriations from funds into which proceeds of direct obligations of the state are deposited only to the extent that the judgment, settlement, or administrative award is for, or represents, capital costs for which the appropriation may otherwise be used and is consistent with the purpose for which any related obligations were issued or entered into. Nothing contained in this section is intended to subject the state to suit in any forum in which it is not otherwise subject to suit, and is not intended to waive or compromise any defense or right available to the state in any suit against it."

In line 196 of the title, after "213.10," insert "221.10, 221.13,"

In line 197 of the title, after "227.10," insert "233.10,"

In line 98117, after "213.10," insert "221.10, 221.13,"

In line 98118, after "227.10," insert "233.10,"

After line 98166, insert:

"Sec. 221.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES

Mental Health Facilities Improvement Fund (Fund 7033)

C58001	Community Assistance Projects	\$ 47,709,000- <u>47,959,000</u>
C58007	Infrastructure Renovations	\$ 48,104,800
C58048	Community Resiliency Projects	\$ 14,200,000
TOTAL Mental Health Facilities Improvement Fund		\$ 110,013,800- <u>110,263,800</u>
TOTAL ALL FUNDS		\$ 110,013,800- <u>110,263,800</u>

Sec. 221.13. COMMUNITY ASSISTANCE PROJECTS

Capital appropriations in ~~this act~~ S.B. 310 of the 133rd General Assembly made from appropriation item C58001, Community Assistance Projects, may be used for facilities constructed or to be constructed pursuant to Chapter 340., 5119., 5123., or 5126. of the Revised Code or the authority

granted by section 154.20 and other applicable sections of the Revised Code and the rules issued pursuant to those chapters and that section and shall be distributed by the Department of Mental Health and Addiction Services subject to Controlling Board approval.

Of the foregoing appropriation item C58001, Community Assistance Projects, ~~\$15,409,000~~ \$14,659,000 shall be used to support the projects listed in this section.

Project List

Comprehensive Addiction Center	\$ 4,500,000
Bellefaire JCB Pediatric Psychiatric Hospital and Autism School	\$ 1,000,000
Restoration of Mental Health Diversion Center	\$ 1,000,000
Sheakley Day Treatment	\$ 934,000
Cleveland Clinic Akron General	\$ 700,000
One Step Closer to Home	\$ 650,000
Stella Maris	\$ 500,000
Faith Mission Shelter Renovations	\$ 400,000
Ohio Veterans Drug and Transcranial Magnetic Stimulation Treatment	\$ 400,000
Providence House	\$ 400,000
Applewood Center - Jones Home Campus	\$ 350,000
New Beginnings Community-Based Residential Treatment	\$ 350,000
Sr. Ignatia Heritage and Reflection Center	\$ 300,000
Blessing House Facility	\$ 250,000
Cedar Hills Transformation Camp	\$ 250,000
City of Lakewood - Mental Health and Addiction Services Support Space	\$ 250,000
<u>Cleveland Rape Crisis Centers</u>	<u>\$ 250,000</u>
Washington County Recreation and Support Center	\$ 200,000
(Cocoon) Comprehensive Advocacy Center for Survivors of Domestic and Sexual Violence	\$ 200,000
CommQuests Recovery Campus Improvements	\$ 200,000
West Dayton Community Services Center	\$ 200,000
Edna House	\$ 150,000
Meadow Center	\$ 150,000
The Haven of Portage County	\$ 150,000
Y-Haven	\$ 150,000

Forbes House Domestic Violence Project	\$ 120,000
Seven Hills Trauma Recovery Center	\$ 105,000
Family Unity Center	\$ 100,000
Save a Warrior Project	\$ 100,000
Cadence Care Network Family and Community Resource Center	\$ 50,000
Child Focus Day Treatment Facility	\$ 50,000
Grace House Akron, Inc.	\$ 50,000
Lighthouse Behavioral Health Solutions Outpatient Behavioral Health Clinic	\$ 50,000
Sanctuary on Sullivant	\$ 50,000
The Glenway Outpatient Treatment Center - Phase 3 (Final)	\$ 50,000
The Commons at Springfield	\$ 25,000
Women's Recovery Center	\$ 13,000
Lima Crossroads Crisis Centers	\$ 12,000"

After line 98535a, insert:

"Sec. 233.10.

DYS DEPARTMENT OF YOUTH SERVICES

Juvenile Correctional Building Fund (Fund 7028)		
C47002	General Institutional Renovations	\$ 2,014,310
C47003	Community Rehabilitation Centers	\$ 434,428
C47007	Local Juvenile Detention Centers	\$ 1,037,570
C47022	Building Additions-CJCF	\$ 6,138,815
C47025	Cuyahoga Housing Replacement	\$ 23,320,304
C47026	Indian River Program Building	\$ 6,758,687
C47028	Paulding County Community-based Assessment Center	\$ 40,000
C47029	Cleveland Rape Crisis Centers	\$ 250,000
TOTAL Juvenile Correctional Building Fund		\$ 39,994,114 <u>39,744,114</u>
TOTAL ALL FUNDS		\$ 39,994,114 <u>39,744,114"</u>

In line 98712, after "213.10," insert "221.10, 221.13,"

In line 98713, after "227.10," insert "233.10,"

In line 96178, delete "\$100,000" and insert "\$500,000"

After line 99471, insert:

"Section 745.10. (A) As used in this section:

(1) "Amusement ride" has the same meaning as under section 993.01 of the Revised Code.

(2) "Owner" has the same meaning as under section 993.01 of the Revised Code.

(3) "Registration taxes and fees" means all of the following:

(a) Any annual registration tax owed for a vehicle or trailer registered in the name of the owner under section 4503.04 or 4503.042 of the Revised Code;

(b) Any annual registration fees owed under division (C) of section 4503.10 of the Revised Code;

(c) Any local motor vehicle taxes owed under Chapter 4504. of the Revised Code;

(d) Any license plate fees owed under section 4503.19 of the Revised Code;

(e) The Bureau of Motor Vehicles or deputy registrar service fee owed under section 4503.038 of the Revised Code.

(B) Beginning on the effective date of this section until one year after the effective date of this section, the Registrar of Motor Vehicles shall waive the registration taxes and fees for any amusement ride owner that was not able to operate the owner's amusement rides in calendar year 2020.

(C) If the owner of the amusement rides registers the owner's vehicles and trailers under section 4503.103 of the Revised Code for multiple years, the Registrar shall credit the owner for one year of registration taxes and fees under that section. The owner shall pay any registration taxes and fees owed for the additional years of registration under that section."

In line 84230, delete "\$1,500,000 \$1,500,000" and insert "\$2,500,000 \$2,500,000"

In line 84232, add \$1,000,000 to each fiscal year

In line 84272, add \$1,000,000 to each fiscal year

In line 101 of the title, after "4755.47," insert "4755.48,"

In line 308, after "4755.47," insert "4755.48,"

In line 60717, strike through "completion of" and insert "graduation from"; strike through "master's or doctorate" and insert "professional physical therapy"; strike through the third "of"

In line 60718, strike through "physical therapy education"

In line 60718 strike through "physical therapy education"

In line 60719, strike through "recognized" and insert "approved";
strike through "United"

Strike through lines 60720 through 60725

In line 60726, strike through "therapy theory and procedures" and
insert "physical therapy section"

In line 60753, strike through "completion of" and insert "graduation
from"; after "a" insert "professional"

In line 60754, strike through "of education"

In line 60755, strike through "recognized" and insert "approved";
strike through "United States"

In line 60756, strike through "department of education" and insert
"physical therapy section"

After line 60962, insert:

"Sec. 4755.48. (A) No person shall employ fraud or deception in
applying for or securing a license to practice physical therapy or to be a
physical therapist assistant.

(B) No person shall practice or in any way imply or claim to the
public by words, actions, or the use of letters as described in division (C) of
this section to be able to practice physical therapy or to provide physical
therapy services, including practice as a physical therapist assistant, unless
the person 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.

(G)(1) Subject to division (G)(2) of this section, nothing in sections 4755.40 to 4755.56 of the Revised Code shall prevent or restrict the activities or services of any person who holds a current, unrestricted license to practice physical therapy in another state when that person, pursuant to contract or employment with an athletic team located in the state in which the person holds the license, provides physical therapy to any of the following while the team is traveling to or from or participating in a sporting event in this state:

- (a) A member of the athletic team;
- (b) A member of the athletic team's coaching, communications, equipment, or sports medicine staff;
- (c) A member of a band or cheerleading squad accompanying the athletic team;
- (d) The athletic team's mascot.

(2) In providing physical therapy pursuant to division (G)(1) of this section, the person shall not do either of the following:

- (a) Provide physical therapy at a health care facility;
- (b) Provide physical therapy for more than sixty days in a calendar year.

(3) The limitations described in divisions (G)(1) and (2) of this section do not apply to a person who is practicing in accordance with the compact privilege granted by this state through the "Physical Therapy Licensure Compact" entered into under section 4755.57 of the Revised Code.

(H)(1) Except as provided in division (H)(2) of this section and subject to division (I) of this section, no person shall practice physical therapy other than on the prescription of, or the referral of a patient by, a person who is licensed in this or another state to do at least one of the following:

- (a) Practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery;

(b) Practice as a physician assistant;

(c) Practice nursing as an advanced practice registered nurse.

(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:

(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.

(b) On or before December 31, 2004, the person has completed at least two years of practical experience as a licensed physical therapist.

(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.

(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."

In line 80620, after "4755.47," insert "4755.48,"

In line 97326, after "in" insert "each"

In line 97327, delete "2022" and insert "of the biennium ending June 30, 2023"

In line 97328, delete "\$10,000,000" and insert "\$5,000,000"

In line 60470, strike through "Placing an existing license in escrow;"

In line 60471, strike through "(I)"

In line 60474, strike through "(J)"

In line 60475, after "(K)" insert "(I)"

In line 60477, delete "(K)" and insert "(J)"

In line 60480, delete "(L)" and insert "(K)"

In line 60697, strike through "Any person who is qualified to practice occupational"

Strike through lines 60698 through 60700

In line 60701, strike through "(C)"

In line 60704, strike through "(D)" and insert "(C)"

In line 60705, strike through "(C)" and insert "(B)"

In line 97338, after "in" insert "each"

In line 97339, delete "2022" and insert "of the biennium ending June 30, 2023"

In line 97340, delete "\$48,000,000" and insert "\$24,000,000"

In line 70615, delete "Beginning" and insert "To the extent permitted under federal law, regulations, and guidelines, beginning"

After line 70636, insert:

"(D) The department shall establish an appeals process under which managed care organization applicants may appeal the department's award of managed care organization contracts under division (A) of this section. The appeal process shall permit a managed care organization applicant to appeal an adverse decision by the department regarding the organization's application up to thirty days after the date of the decision."

Delete lines 92894 through 92923

In line 13 of the title, after "122.92," insert "122.98,"

In line 243, after "122.92," insert "122.98,"

After line 8558, insert:

"Sec. 122.98. (A) There is hereby created the Ohio aerospace and aviation technology committee, consisting of the following members:

(1) Three members of the senate, appointed by the president of the senate, not more than two of whom may be members of the same political party;

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives, not more than two of whom may be members of the same political party;

(3) Fifteen members representing the aviation, aerospace, or technology industry, the military, or academia. One such member shall be appointed by the governor, and fourteen such members shall be appointed by majority vote of the six members representing the senate and house of representatives.

The legislative members of the committee shall be appointed not later than September 1, 2014, and the remaining members shall be appointed within ten days thereafter. The initial term of all members shall end on December 31, 2016. Thereafter, the term of all members shall end on the thirty-first day of December of the year following the year of appointment. Vacancies shall be filled in the manner of the original appointment.

The first legislator appointed to the committee by the speaker of the

house of representatives after the effective date of H.B. 292 of the 130th general assembly, September 17, 2014, shall serve as the first chairperson of the committee and shall serve until December 31, 2016. Every general assembly thereafter, the ~~chairperson shall alternate between the first legislator appointed by the president of the senate and the first legislator appointed by the speaker of the house of representatives~~ committee shall select a chairperson from among its legislative members.

(B) The duties of the committee shall include, but are not limited to, all of the following:

(1) Studying and developing comprehensive strategies to promote the aviation, aerospace, and technology industry throughout the state, including through the commercialization of aviation, aerospace, and technology products and ideas;

(2) Encouraging communication and resource-sharing among individuals and organizations involved in the aviation, aerospace, and technology industry, including business, the military, and academia;

(3) Promoting research and development in the aviation, aerospace, and technology industry, including research and development of unmanned aerial vehicles;

(4) Providing assistance related to military base realignment and closure.

(C) The Ohio aerospace and aviation council shall serve as an advisory council to the committee.

(D) The committee shall compile an annual report of its activities, findings, and recommendations and shall furnish a copy of the report to the governor, president of the senate, and speaker of the house of representatives not later than the thirty-first day of December of each year."

In line 80555, after "122.92," insert "122.98,"

In line 85774, delete "\$800,000 \$800,000" and insert "\$806,000 \$806,000"

In line 85787, add \$6,000 to each fiscal year

In line 85850, add \$6,000 to each fiscal year

After line 85893 insert:

"Of the foregoing appropriation item 195453, Technology Programs and Grants, up to \$6,000 in each fiscal year shall be used for the Ohio Aerospace and Aviation Technology Committee (OAATC) to cover expenses incurred as a result of the Committee's work."

In line 97439, delete "\$12,000,000 in" and insert "\$6,000,000"; after the second "in" insert "each"; delete "2022"

In line 17 of the title, after "126.021," insert "127.13,"

In line 246, after "126.021," insert "127.13,"

After line 10248, insert:

"Sec. 127.13. The director of budget and management or his the director's designee shall be president of the controlling board. The president shall prepare the proposed agenda for the meetings of the board and shall provide, at least ~~seven~~ fourteen days prior to the meeting, copies of the proposed agenda and supporting documentation to the members of the board and to ~~the legislative budget office of the legislative service commission.~~

The director shall designate an employee of the office of budget and management to serve as secretary of the controlling board. The secretary shall assist the president of the board and shall make and keep a record of each request received by the board and of its action thereon. The secretary shall certify a copy of the record of each action to each member of the board and to the director.

The controlling board may adopt procedural rules for the conduct of the business of the board, may approve, disapprove, modify as to specific dollar amounts, or defer requests, and may require that a request from the senate, the house of representatives, the supreme court, or an elected member of the executive department as defined in Section 1 of Article III, Ohio Constitution, not currently before the controlling board be added to the agenda for a specified future meeting of the board, provided that such request has been previously submitted to the president for inclusion in the agenda for a board meeting. The controlling board also may adopt rules authorizing the president to act on its behalf in exigent circumstances affecting the public health, safety, or welfare.

The affirmative vote of no fewer than four members of the controlling board shall be required for any action of the board. The board shall meet at least once a month."

In line 80558, after "126.021," insert "127.13,"

After line 100434, insert:

"The amendment of section 127.13 of the Revised Code by this act takes effect January 1, 2022."

After line 89897, insert:

"GRF 715404 Recycling Projects \$60,000 \$10,000"

In line 89899, add \$60,000 to fiscal year 2022 and \$10,000 to fiscal year 2023

In line 89961, add \$60,000 to fiscal year 2022 and \$10,000 to fiscal year 2023

In line 89963, after "**Section 277.20.**" insert:

"RECYCLING PROJECTS

The foregoing appropriation item 715404, Recycling Projects, shall be distributed to the Geauga-Trumbull Solid Waste Management District for recycling expanded polystyrene."; begin a new paragraph

In line 145 of the title, after "125.70," insert "149.309,"

In line 341, after "125.70," insert "149.309,"

After line 11229, insert:

"Sec. 149.309. (A) The Ohio commission for the United States semiquincentennial is established to plan, encourage, develop, and coordinate the commemoration of the two hundred fiftieth anniversary of the founding of the United States and the impact of Ohioans on the nation's past, present, and future.

(B) The commission shall consist of the following twenty-nine members:

(1) Two members of the senate appointed by the president of the senate, one of whom shall be recommended by the minority leader of the senate;

(2) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be recommended by the minority leader of the house of representatives;

(3) The governor or the governor's designee;

(4) The chief justice of the supreme court of Ohio;

(5) The president of the board of trustees of the Ohio history connection;

(6) The president of the Ohio local history alliance's designee;

(7) The president of the Ohio county commissioners association's designee;

(8) The chairperson of the board of the Ohio arts council;

(9) The director of TourismOhio;

(10) The executive director of the Ohio travel association;

(11) Seventeen members who are private citizens, of whom:

(a) Eight shall be appointed by the governor;

(b) Four shall be appointed by the president of the senate, two of whom shall be recommended by the minority leader of the senate;

(c) Four shall be appointed by the speaker of the house of representatives, two of whom shall be recommended by the minority leader of the house of representatives;

(d) One shall be appointed by the chief justice of the supreme court of

Ohio.

(C) The governor shall designate one of the private citizen members as the chairperson of the commission and a different private citizen member as the vice chairperson of the commission.

The executive director or the deputy executive director of the Ohio history connection shall serve as the secretary of the commission and shall be an ex officio, nonvoting member of the commission.

(D) A member shall be appointed for the duration of the commission, so long as the member continues to hold the office that entitled the member to the position on the commission. A vacancy on the commission shall be filled in the same manner as the original appointment. The members of the commission shall receive no compensation for service on the commission, except for reimbursement for reasonable travel expenses.

(E) Meetings of the commission shall be held throughout this state at times and locations determined by the chairperson. A majority of the members of the commission shall constitute a quorum, but a lesser number of members may hold hearings or meetings for the purpose of furthering the commission's work.

(F) The commission shall do all of the following:

(1) Plan, coordinate, and implement an overall program to build public awareness and foster public participation to celebrate and commemorate the two hundred fiftieth anniversary of the independence and founding of the United States;

(2) Coordinate with all federal, state, and local agencies and private organizations on infrastructural improvements and projects or programs to welcome and encourage regional, national, and international tourists;

(3) Establish and maintain an official web site that is available and accessible to the public.

(G) In preparing plans and an overall program, the commission shall do all of the following:

(1) Give due consideration to related plans and programs developed by federal, other state, local, and private groups;

(2) Conduct extensive public engagement throughout this state to develop programs of its own or with or by other agencies, communities, or organizations that may take place to mark the semiquincentennial by December 31, 2026;

(3) Aim to involve and showcase all counties in this state;

(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.

(H) The commission may designate special committees with representatives from stakeholding groups to plan, develop, and coordinate specific activities.

(I)(1) Not later than September 30, 2022, 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 hundred fiftieth anniversary of the independence and founding of the United States and related events, as well as a timeline of the plans and overall program and estimates of all costs associated with the plans and overall program.

(2) The report may include recommendations for the following:

(a) Improvements to the infrastructure of the state or for capital projects necessary for the successful delivery of the commission's plan and overall program;

(b) Legislation needed to effectuate the plan and overall program.

(3) The report shall be available on the commission's official web site.

(4) The commission may, from time to time, expand upon or revise its initial report as events warrant.

(J) The commission may secure directly from a state agency information as the commission considers necessary to carry out its duties. On the request of the chairperson of the commission or the commission's executive director, the head of a state agency shall provide the information to the commission.

(K) The commission may accept, use, and dispose of gifts and donations of money, property, or personal services and may request personnel or other supportive resources from state agencies, local governments, and public universities.

(L) As determined necessary by the commission, the commission may do any of the following:

(1) Procure supplies, services, and property;

(2) Take actions as are necessary to enable the commission to carry out efficiently and in the public interest the purpose of this section.

(M)(1) The chairperson of the commission shall appoint an executive director who may, in turn, hire personnel as are necessary to enable the commission to perform its powers and duties. With approval from the commission, the executive director may authorize the Ohio history connection to enter into contracts with venders and consultants to undertake work commensurate with the commission's public functions. All commission employees shall be employees of the Ohio history connection and shall be

subject to its customary personnel policies and procedures.

(2) The employment of an executive director shall be subject to confirmation by majority vote of the commission.

(3) The commission, from time to time, may request operating and capital appropriations from the general assembly. Such appropriated money shall be received by the Ohio history connection and held for the use of the commission. Such money shall be audited annually in the ordinary manner and commensurate with the Ohio history connection's audit by the auditor of state.

(N) Once each year on or before the thirty-first day of December, during the period beginning on the effective date of this section through December 31, 2026, the commission shall submit to the governor and the general assembly a report of the activities of the commission, including a summary of funds received and expended during the year covered by the report, the outputs and outcomes achieved, and whether those achievements meet the commission's plan and overall program. The report shall be available on the commission's official web site. The commission shall publish a final report of its activities on or before June 30, 2027.

(O) The commission terminates on June 30, 2027."

After line 85793a, insert:

"5GT0 195550 Broadband Development Grants \$230,000,000 \$20,000,000"

In line 85814, add \$230,000,000 to fiscal year 2022 and \$20,000,000 to fiscal year 2023

In line 85850, add \$230,000,000 to fiscal year 2022 and \$20,000,000 to fiscal year 2023

After line 86149, insert:

"BROADBAND DEVELOPMENT GRANTS

The foregoing appropriation item 195550, Broadband Development Grants, shall be used to issue grants for broadband development. An amount equal to the unexpended, unencumbered portion remaining in appropriation item 195550, Broadband Development Grants, at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

Of the foregoing appropriation item 195550, Broadband Development Grants, up to \$2,000,000 in the biennium ending June 30, 2023, may be used for a statewide initiative to support providing behavioral health in schools through telehealth."

After line 97453, insert:

"Section 512. __. GENERAL REVENUE FUND TRANSFER TO THE OHIO RESIDENTIAL BROADBAND EXPANSION GRANT

PROGRAM FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$230,000,000 cash from the General Revenue Fund to the Ohio Residential Broadband Expansion Grant Program Fund (Fund 5GT0).

On July 1, 2022, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$20,000,000 cash from the General Revenue Fund to the Ohio Residential Broadband Expansion Grant Program Fund (Fund 5GT0)."

In line 97449, delete "\$350,000" and insert "\$550,000"

In line 97452, delete "\$350,000" and insert "\$550,000"

In line 93029, delete "\$4,500,000 \$2,500,000" and insert "\$7,000,000 \$0"

In line 93037, add \$2,500,000 to fiscal year 2022 and subtract \$2,500,000 from fiscal year 2023

In line 93055, add \$2,500,000 to fiscal year 2022 and subtract \$2,500,000 from fiscal year 2023

In line 93573, delete "\$2,500,000" and insert "\$5,000,000"; delete "each"; after "year" insert "2022"

After line 92047a, insert:

"GRF 035420 Ohio Redistricting Commission \$100,000 \$0"

In line 92049, add \$100,000 to fiscal year 2022

In line 92053, add \$100,000 to fiscal year 2022

After line 92116, insert:

"OHIO REDISTRICTING COMMISSION

The foregoing appropriation item 035420, Ohio Redistricting Commission, shall be used by the Commission solely to perform its duties in accordance with Articles XI and XIX of the Ohio Constitution.

Notwithstanding any provision of law to the contrary, any moneys expended from the foregoing appropriation item 035420, Ohio Redistricting Commission, shall be used exclusively for expenditures that serve a proper public purpose and be spent by the Commission during the time period beginning on the date the Commission first convenes, and ending on the date the Commission dissolves, in accordance with Articles XI and XIX of the Ohio Constitution. Moneys from the foregoing appropriation item 035420, Ohio Redistricting Commission, shall not be used for any legal services or consulting rendered for the purpose of bringing legal action against the state or any of its agents in connection with the redistricting of congressional and General Assembly districts of this state."

In line 92119, after "Assembly" insert ", or either house of the General Assembly,"; after "is" insert "made"; after "party" insert "or for any action under section 101.55 of the Revised Code"

Delete line 92120

In line 92121, delete everything before the period

In line 1 of the title, after "sections" insert "1.14, 5.2247,"

In line 14 of the title, after "124.136," insert "124.19,"

In line 23 of the title, after "323.153," insert "325.19,"

In line 25 of the title, after "507.021," insert "511.10,"

In line 29 of the title, after "1337.11," insert "1345.21,"

In line 53 of the title, after "3313.6114," insert "3313.63,"

In line 65 of the title, after "3317.26," insert "3319.087,"

In line 234, after "sections" insert "1.14, 5.2247,"

In line 244, after "124.136," insert "124.19,"

In line 251, after "323.153," insert "325.19,"

In line 252, after "507.021," insert "511.10,"

In line 255, after "1337.11," insert "1345.21,"

In line 273, after "3313.6114," insert "3313.63,"

In line 282, after "3317.26," insert "3319.087,"

After line 363, insert:

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

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

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

(A) The first day of January, known as New Year's day;

(B) The third Monday in January, known as Martin Luther King day;

(C) The third Monday in February, known as Washington-Lincoln day;

(D) The day designated in the "Act of June 28, 1968," 82 Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of Memorial day;

(E) The nineteenth day of June, known as Juneteenth day;
 (E) The fourth day of July, known as Independence day;
~~(F)~~(G) The first Monday in September, known as Labor day;
~~(G)~~(H) The second Monday in October, known as Columbus day;
~~(H)~~(I) The eleventh day of November, known as Veterans' day;
~~(H)~~(J) The fourth Thursday in November, known as Thanksgiving day;
~~(J)~~(K) The twenty-fifth day of December, known as Christmas day;
~~(K)~~(L) Any day appointed and recommended by the governor of this state or the president of the United States as a holiday.

If any day designated in this section as a legal holiday falls on Sunday, the next succeeding day is a legal holiday.

Sec. 5.2247. The nineteenth day of June is designated as "Juneteenth National Freedom Day" to acknowledge the freedom, history, and culture that June 19, 1865, the day on which the last slaves in the United States were set free in Texas, has come to symbolize. This day is a legal holiday."

After line 9059, insert:

"**Sec. 124.19.** (A) State holidays shall be the first day of January, the third Monday in January, the third Monday in February, the day designated in the "Act of June 28, 1968," 82 Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of Memorial day, the nineteenth day of June, the fourth day of July, the first Monday in September, the second Monday in October, the eleventh day of November, the fourth Thursday in November, the twenty-fifth day of December, and any day appointed and recommended by the governor of this state or the president of the United States. Employees shall be paid for these holidays as specified in section 124.18 of the Revised Code.

(B) The board of trustees of a community college, technical college, state community college, or state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code may, for all employees of the college or university, observe on days other than those specified in division (A) of this section any of the holidays otherwise observed on the third Monday in January, the third Monday in February, and the second Monday in October."

After line 15984, insert:

"**Sec. 325.19.** (A)(1) The granting of vacation leave under division (A)(1) of this section is subject to divisions (A)(2) and (3) of this section. Each full-time employee in the several offices and departments of the county service, including full-time hourly rate employees, after service of one year with the county or any political subdivision of the state, shall have earned and will be due upon the attainment of the first year of employment, and

annually thereafter, eighty hours of vacation leave with full pay. One year of service shall be computed on the basis of twenty-six biweekly pay periods. A full-time county employee with eight or more years of service with the county or any political subdivision of the state shall have earned and is entitled to one hundred twenty hours of vacation leave with full pay. A full-time county employee with fifteen or more years of service with the county or any political subdivision of the state shall have earned and is entitled to one hundred sixty hours of vacation leave with full pay. A full-time county employee with twenty-five years of service with the county or any political subdivision of the state shall have earned and is entitled to two hundred hours of vacation leave with full pay. Such vacation leave shall accrue to the employee at the rate of three and one-tenth hours each biweekly period for those entitled to eighty hours per year; four and six-tenths hours each biweekly period for those entitled to one hundred twenty hours per year; six and two-tenths hours each biweekly period for those entitled to one hundred sixty hours per year; and seven and seven-tenths hours each biweekly period for those entitled to two hundred hours per year.

The appointing authorities of the offices and departments of the county service may permit all or any part of a person's prior service with any regional council of government established in accordance with Chapter 167. of the Revised Code to be considered service with the county or a political subdivision of the state for the purpose of determining years of service under this division.

(2) Full-time employees granted vacation leave under division (A)(1) of this section who render any standard of service other than forty hours per week as described in division (K) of this section and who are in active pay status in a biweekly pay period, shall accrue a number of hours of vacation leave during each such pay period that bears the same ratio to the number of hours specified in division (A)(1) of this section as their number of hours which are accepted as full-time in active pay status, excluding overtime hours, bears to eighty hours.

(3) Full-time employees granted vacation leave under division (A)(1) of this section who are in active pay status in a biweekly pay period for less than eighty hours or the number of hours of service otherwise accepted as full-time by their employing office or department shall accrue a number of hours of vacation leave during that pay period that bears the same ratio to the number of hours specified in division (A)(1) of this section as their number of hours in active pay status, excluding overtime hours, bears to eighty or the number of hours of service accepted as full-time, whichever is applicable.

(B) A board of county commissioners, by resolution, may grant vacation leave with full pay to part-time county employees. A part-time county employee shall be eligible for vacation leave with full pay upon the attainment of the first year of employment, and annually thereafter. The ratio

between the hours worked and the vacation hours awarded to a part-time employee shall be the same as the ratio between the hours worked and the vacation hours earned by a full-time employee as provided for in this section.

(C) Days specified as holidays in section 124.19 of the Revised Code shall not be charged to an employee's vacation leave. Vacation leave shall be taken by the employee during the year in which it accrued and prior to the next recurrence of the anniversary date of the employee's employment, provided that the appointing authority may, in special and meritorious cases, permit such employee to accumulate and carry over the employee's vacation leave to the following year. No vacation leave shall be carried over for more than three years. An employee is entitled to compensation, at the employee's current rate of pay, for the prorated portion of any earned but unused vacation leave for the current year to the employee's credit at time of separation, and in addition shall be compensated for any unused vacation leave accrued to the employee's credit, with the permission of the appointing authority, for the three years immediately preceding the last anniversary date of employment.

(D)(1) In addition to vacation leave, a full-time county employee is entitled to eight hours of holiday pay for New Year's day, Martin Luther King day, Washington-Lincoln day, Memorial day, Juneteenth day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, and Christmas day, of each year. Except as provided in division (D)(2) of this section, holidays shall occur on the days specified in section 1.14 of the Revised Code. If any of those holidays fall on Saturday, the Friday immediately preceding shall be observed as the holiday. If any of those holidays fall on Sunday, the Monday immediately succeeding shall be observed as the holiday. If an employee's work schedule is other than Monday through Friday, the employee is entitled to holiday pay for holidays observed on the employee's day off regardless of the day of the week on which they are observed.

(2)(a) When a classified employee of a county board of developmental disabilities works at a site maintained by a government entity other than the board, such as a public school, the board may adjust the employee's holiday schedule to conform to the schedule adopted by the government entity. Under an adjusted holiday schedule, an employee shall receive the number of hours of holiday pay granted under division (D)(1) of this section.

(b) Pursuant to division (J)(6) of section 339.06 of the Revised Code, a county hospital may observe Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.

(E) In the case of the death of a county employee, the unused

vacation leave and unpaid overtime to the credit of the employee shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate.

(F) Notwithstanding this section or any other section of the Revised Code, any appointing authority of a county office, department, commission, board, or body may, upon notification to the board of county commissioners, establish alternative schedules of vacation leave and holidays for employees of the appointing authority for whom the state employment relations board has not established an appropriate bargaining unit pursuant to section 4117.06 of the Revised Code, as long as the alternative schedules are not inconsistent with the provisions of at least one collective bargaining agreement covering other employees of that appointing authority, if such an agreement exists. If no such collective bargaining agreement exists, an appointing authority, upon notification to the board of county commissioners, may establish an alternative schedule of vacation leave and holidays for its employees that does not diminish the vacation leave and holiday benefits granted by this section.

(G) The employees of a county children services board that establishes vacation benefits under section 5153.12 of the Revised Code are exempt from division (A) of this section.

(H) The provisions of this section do not apply to superintendents and management employees of county boards of developmental disabilities.

(I) Division (A) of this section does not apply to an employee of a county board of developmental disabilities who works at, or provides transportation services to pupils of, a special education program provided by the county board pursuant to division (A)(4) of section 5126.05 of the Revised Code, if the employee's employment is based on a school year and the employee is not subject to a contract with the county board that provides for division (A) of this section to apply to the employee.

(J) Notwithstanding division (C) of this section or any other section of the Revised Code, if a separation from county service occurs in connection with the lease, sale, or other transfer of all or substantially all the business and assets of a county hospital organized under Chapter 339. of the Revised Code to a private corporation or other entity, the appointing authority shall have no obligation to pay any compensation with respect to unused vacation leave accrued to the credit of an employee who accepts employment with the acquiring corporation or other entity, if at the effective time of separation the acquiring corporation or other entity expressly assumes such unused vacation leave accrued to the employee's credit.

(K) As used in this section:

(1) "Full-time employee" means an employee whose regular hours of service for a county total forty hours per week, or who renders any other

standard of service accepted as full-time by an office, department, or agency of county service.

(2) "Part-time employee" means an employee whose regular hours of service for a county total less than forty hours per week, or who renders any other standard of service accepted as part-time by an office, department, or agency of county service, and whose hours of county service total at least five hundred twenty hours annually.

(3) "Management employee" has the same meaning as in section 5126.20 of the Revised Code."

After line 16621, insert:

"**Sec. 511.10.** The board of township trustees may appoint such superintendents, architects, clerks, laborers, and other employees as are necessary and fix their compensation. Any person so appointed may be removed by a majority of the members of such board at any time.

Any township employee working on a salary or hourly basis is entitled to eight hours of holiday pay for New Year's day, Martin Luther King day, Washington-Lincoln day, Memorial day, Juneteenth day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, and Christmas day, of each year, provided that the employee is a regular employee with at least six months full-time township service prior to the month when such holiday occurs. Holidays shall occur on the days specified in section 1.14 of the Revised Code.

The board of township trustees may purchase or lease uniforms for laborers or other employees engaged in the maintenance of township property."

After line 18560, insert:

"**Sec. 1345.21.** As used in sections 1345.21 to 1345.28 of the Revised Code:

(A) "Home solicitation sale" means a sale of consumer goods or services in which the seller or a person acting for the seller engages in a personal solicitation of the sale at a residence of the buyer, including solicitations in response to or following an invitation by the buyer, and the buyer's agreement or offer to purchase is there given to the seller or a person acting for the seller, or in which the buyer's agreement or offer to purchase is made at a place other than the seller's place of business. It does not include a transaction or transactions in which:

(1) The total purchase price to be paid by the buyer, whether under single or multiple contracts, is less than twenty-five dollars;

(2) The transaction was conducted and consummated entirely by mail or by telephone if initiated by the buyer, and without any other contact between the seller or the seller's representative prior to the delivery of goods

or performance of the service;

(3) The final agreement is made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment having a fixed permanent location where the goods are exhibited or the services are offered for sale on a continuing basis;

(4) The buyer initiates the contact between the parties for the purpose of negotiating a purchase and the seller has a business establishment at a fixed location in this state where the goods or services involved in the transaction are regularly offered or exhibited for sale.

Advertisements by such a seller in newspapers, magazines, catalogues, radio, or television do not constitute the seller initiation of the contact.

(5) The buyer initiates the contact between the parties, the goods or services are needed to meet a bona fide immediate personal emergency of the buyer which will jeopardize the welfare, health, or safety of natural persons, or endanger property which the buyer owns or for which the buyer is responsible, and the buyer furnishes the seller with a separate, dated, and signed statement in the buyer's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale within three business days;

(6) The buyer has initiated the contact between the parties and specifically requested the seller to visit the buyer's home for the purpose of repairing or performing maintenance upon the buyer's personal property. If, in the course of such a visit, the seller sells the buyer additional services or goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services does not fall within this exclusion.

(7) The buyer is accorded the right of rescission by the "Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C. 1635, or regulations adopted pursuant to it.

(B) "Sale" includes a lease or rental.

(C) "Seller" includes a lessor or anyone offering goods for rent.

(D) "Buyer" includes a lessee or anyone who gives a consideration for the privilege of using goods.

(E) "Consumer goods or services" means goods or services purchased, leased, or rented primarily for personal, family, or household purposes, including courses or instruction or training regardless of the purpose for which they are taken.

(F) "Consumer goods or services" does not include goods or services pertaining to any of the following:

(1) Sales or rentals of real property by a real estate broker or salesperson, or by a foreign real estate dealer or salesperson, who is licensed by the Ohio real estate commission under Chapter 4735. of the Revised Code;

(2) The sale of securities or commodities by a broker-dealer registered with the securities and exchange commission;

(3) The sale of securities or commodities by a securities dealer or salesperson licensed by the division of securities under Chapter 1707. of the Revised Code;

(4) The sale of insurance by a person licensed by the superintendent of insurance;

(5) Goods sold or services provided by automobile dealers and salespersons licensed by the registrar of motor vehicles under Chapter 4517. of the Revised Code;

(6) The sale of property at an auction by an auctioneer licensed by the department of agriculture under Chapter 4707. of the Revised Code.

(G) "Purchase price" means the total cumulative price of the consumer goods or services, including all interest and service charges.

(H) "Place of business" means the main office, or a permanent branch office or permanent local address of a seller.

(I) "Business day" means any calendar day except Sunday, or the following business holidays: New Year's day, Martin Luther King day, Presidents' day, Memorial day, Juneteenth day, Independence day, Labor day, Columbus day, Veterans day, Thanksgiving day, and Christmas day."

After line 33056, insert:

"Sec. 3313.63. Boards of education may dismiss the schools under their control on the first day of January, the third Monday in January, the third Monday in February, the day designated in the "Act of June 28, 1968," 82 Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of Memorial day, the nineteenth day of June, the fourth day of July, the first Monday in September, the second Monday in October, the eleventh day of November, or the succeeding Monday when that day falls on a Sunday, the fourth Thursday in November, and the twenty-fifth day of December, on any day set apart by proclamation of the president of the United States or the governor of this state as a day of fast, thanksgiving, or mourning, or on the days approved by the board for teachers' attendance at an educational meeting."

After line 40950, insert:

"Sec. 3319.087. Notwithstanding section 3319.086 of the Revised Code, all regular nonteaching school employees employed on an eleven or

twelve month basis, whether salaried or compensated on an hourly or per diem basis, are entitled to a minimum of the following holidays for which they shall be paid their regular salary or their regular rate of pay, provided each such employee accrued earnings on ~~his~~ the employee's next preceding and ~~his~~ next following scheduled work days before and after such holiday or was properly excused from attendance at work on either or both of those days: New Year's day, Martin Luther King day, Memorial day, Independence day, Labor day, Thanksgiving day, and Christmas day of each year. All regular nonteaching school employees employed on a nine or ten month basis, whether salaried or compensated on an hourly or per diem basis, are entitled to a minimum of the following holidays for which they shall be paid their regular salary or their regular rate of pay, provided each such employee accrued earnings on ~~his~~ the employee's next preceding and next following scheduled work days before and after such holiday or was properly excused from attendance at work on either or both of those days: New Year's day, Martin Luther King day, Memorial day, Juneteenth day, Labor day, Thanksgiving day, and Christmas day of each year. Regular nonteaching school employees employed less than nine months shall be entitled to a minimum of those holidays enumerated in this section which fall during the employees' time of employment. In addition to the above named holidays, a board of education may declare any other day, except days approved for teachers' attendance at an educational meeting, as a holiday and shall pay to all such regular nonteaching school employees, whether salaried or compensated on an hourly or per diem basis, their regular salary or their regular rate of pay. When any employee is required by ~~his~~ the employee's responsible administrative superior to work on any of the paid holidays, ~~he~~ the employee shall be granted compensatory time off for which ~~he~~ the employee shall be paid ~~his~~ the employee's regular salary or ~~at his~~ regular rate of pay, or a board of education may establish a premium rate of pay for work performed on a paid holiday. Holidays shall occur on the days specified in section 1.14 of the Revised Code.

For purposes of determining whether a person who is not in the employ of a board of education on Labor day is in compliance with the requirement of this section that states that in order for a nonteaching employee to be eligible for Labor day holiday pay ~~he~~ the employee must have accrued earnings on the scheduled work day immediately preceding Labor day or have been excused from attendance at work on that day, a board of education shall count the employee's last scheduled work day of ~~his~~ the employee's preceding period of employment as ~~his~~ the employee's last scheduled day of employment for purposes of this requirement.

For the purposes of this section, "employed" and "time of employment" mean the period from the initial date of employment to the termination of employment with that school district."

In line 80546, after "sections" insert "1.14, 5.2247,"

In line 80556, after "124.136," insert "124.19,"

In line 80563, after "323.153," insert "325.19,"

In line 80564, after "507.021," insert "511.10,"

In line 80567, after "1337.11," insert "1345.21,"

In line 80585, after "3313.6114," insert "3313.63,"

In line 80594, after "3317.26," insert "3319.087,"

After line 96137, insert:

"Section 381. __. (A) The Task Force to evaluate current operational structures and procedures at Wright State University's Lake Campus is hereby created.

(B) The task force shall consist of not more than fourteen members, seven of whom are appointed by the Speaker of the House of Representatives and seven of whom are appointed by the President of the Senate.

Membership shall include representatives from each of the following sectors:

(1) Wright State University's Lake Campus;

(2) Primary and secondary education;

(3) Business organizations;

(4) Nursing;

(5) Engineering;

(6) Any other local stakeholders as determined by the Speaker or the Senate President.

The Chancellor shall not serve on the Task Force, but the Task Force may consult with the Chancellor as it determines necessary. The Chancellor shall provide any available information the Task Force requests.

(C) The Task Force shall evaluate current successes, challenges, and opportunities for Wright State University's Lake Campus and develop a long-term strategic plan that ensures the Western Ohio region is served with a campus offering high quality educational programs that meet local needs, and is affordable, accessible, and positions the region for continued economic and community success.

(D) Not later than December 31, 2022, the Task Force shall submit to the General Assembly, in accordance with section 101.68 of the Revised Code, and to the Chancellor a report detailing its findings and recommendations. The report shall include a long-term strategic plan."

In line 3 of the title, after "109.112," insert "109.32,"

In line 42 of the title, after "2746.04," insert "2915.01, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091,"

In line 43 of the title, after "2915.092," insert "2915.093, 2915.095, 2915.10, 2915.101, 2915.12, 2915.13,"

In line 154 of the title, after "2743.76," insert "2915.14, 2915.15,"

In line 236, after "109.112," insert "109.32,"

In line 265, after "2746.04," insert "2915.01, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091,"; after "2915.092," insert "2915.093, 2915.095, 2915.10, 2915.101, 2915.12, 2915.13,"

In line 347, after "2743.76," insert "2915.14, 2915.15,"

After line 1792, insert:

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

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

(2) All annual license fees that are received by the attorney general under section 2915.08, 2915.081, or 2915.082 of the Revised Code, and all filing fees received by the attorney general under divisions (F) and (G) of section 2915.02 of the Revised Code, that are credited to the fund shall be used by the attorney general, or any law enforcement agency in cooperation with the attorney general, for the purposes specified in division (H) of section 2915.10 of the Revised Code and to administer and enforce Chapter 2915. of the Revised Code. ~~The~~

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

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

After line 2663, insert:

"(18) Upon receipt of a request pursuant to division (F) of section

2915.081 or division (E) of section 2915.082 of the Revised Code, a completed form prescribed under 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 in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty or no contest to any offense that is a violation of Chapter 2915. of the Revised Code or to any offense under any existing or former law of this state, any other state, or the United States that is substantially equivalent to such an offense."

In line 2700, after "in" insert "the relevant provision of"; strike through "(A)(1), (2), (3), (4), (5), (6),"

Strike through line 2701 and insert "(A)"

In line 2702, strike through ", whichever division requires the superintendent to"

In line 2703, strike through "conduct the criminal records check"

After line 25189, insert:

"Sec. 2915.01. As used in this chapter:

(A) "Bookmaking" means the business of receiving or paying off bets.

(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.

(C) "Scheme of chance" means a slot machine unless authorized under Chapter 3772. of the Revised Code, lottery unless authorized under Chapter 3770. of the Revised Code, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:

(1) Less than fifty per cent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;

(2) Less than fifty per cent of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;

(3) More than fifty per cent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in section 3772.01 of the Revised Code;

(4) The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;

(5) A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;

(6) A participant may use the electronic device to purchase additional game entries;

(7) A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;

(8) A scheme of chance operator pays out in prize money more than twenty per cent of the gross revenue received at one location; or

(9) A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.

As used in this division, "electronic device" means a mechanical, video, digital, or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased, or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries, or contractors. "Electronic device" does not include an electronic instant bingo system.

(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.

(F) "Gambling device" means any of the following:

(1) A book, totalizer, or other equipment for recording bets;

(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;

(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;

(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;

(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.

(G) "Gambling offense" means any of the following:

(1) A violation of ~~section 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code~~ this chapter;

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any ~~section listed in division (G)(1)~~ provision of this section chapter or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;

(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.

(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:

(1) An organization that is, ~~and has received from the internal revenue service a determination letter that currently is in effect stating that the organization is,~~ exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(c)(4), (c)(7), (c)(8), (c)(10), or (c)(19) of the Internal Revenue Code.

To qualify as a "charitable organization," an organization shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code.

(I) "Religious organization" means any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.

(J) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters

is in good standing with the national veteran's association. As used in this division, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.

(K) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in section 146.01 of the Revised Code, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.

(L) "Fraternal organization" means any society, order, state headquarters, or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge, or chapter of a national or state organization, that exists exclusively for the common business or sodality of its members.

(M) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization, as defined in section 4765.01 of the Revised Code.

(N) "Charitable bingo game" means any bingo game described in division (O)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to section 2915.08 of the Revised Code and the proceeds of which are used for a charitable purpose.

(O) "Bingo" means either of the following:

(1) A game with all of the following characteristics:

(a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.

(b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.

(d) The winner of the bingo game includes any participant who

properly announces during the interval between the announcements of letters and numbers as described in division (O)(1)(c) of this section, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by the participant.

(2) Instant bingo, ~~punch boards~~ electronic instant bingo, and raffles.

(P) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.

(Q) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, selling or redeeming electronic instant bingo tickets, credits, or vouchers, accessing an electronic instant bingo system other than as a participant, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. "Bingo game operator" does not include a person who is installing, maintaining, updating, or repairing an electronic instant bingo system.

(R) "Participant" means any person who plays bingo.

(S) "Bingo session" means a period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in division (O)(1) of this section, instant bingo, and ~~seat cards~~ electronic instant bingo;

(2) A period for the conduct of instant bingo and ~~seat cards~~ electronic instant bingo for not more than two hours before and not more than two hours after the period described in division (S)(1) of this section.

(T) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.

(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.

(3) The food and beverages are sold at customary and reasonable prices.

(U) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.

(V) "Charitable purpose" means that the net profit of bingo, other than instant bingo or electronic instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of section 5739.02 of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

(3) A fraternal organization that has been in continuous existence in this state for fifteen years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;

(4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in division (K) of this section.

(W) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.

(X) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(Y) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:

(1) It owns, operates, and maintains playing fields that satisfy both of the following:

(a) The playing fields are used ~~at least one hundred days per year~~ for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(b) The playing fields are not used for any profit-making activity at any time during the year.

(2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (Y)(1) of this section.

(Z) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; electronic instant bingo systems; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.

(AA) "Instant bingo" means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower. "Instant bingo" also includes a punch board game. In all "instant bingo" the prize amount and structure shall be predetermined. "Instant bingo" does not include electronic instant bingo or any device that is activated by the insertion of a coin,

currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

(BB) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.

(CC) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. "Raffle" does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:

(1) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and

(2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.

(DD) "Punch board" means a form of instant bingo that uses a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle ~~when used in conjunction with instant bingo~~. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

(EE) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

(FF) "Net profit" means gross profit minus expenses.

(GG) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:

(1) The purchase or lease of bingo supplies;

(2) The annual license fee required under section 2915.08 of the Revised Code;

(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;

(4) Audits and accounting services;

(5) Safes;

(6) Cash registers;

(7) Hiring security personnel;

(8) Advertising bingo;

(9) Renting premises in which to conduct a bingo session;

(10) Tables and chairs;

(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;

(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;

(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division ~~(B)(1)~~~~(F)(1)~~ of section 2915.08 of the Revised Code.

(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.

(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:

(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;

(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.

(LL) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.

(MM) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (O)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (O)(2) of this section.

(NN) "Instant bingo ticket dispenser" means a mechanical device that

dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:

- (1) It is activated upon the insertion of United States currency.
- (2) It performs no gaming functions.
- (3) It does not contain a video display monitor or generate noise.
- (4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.
- (5) It does not simulate or display rolling or spinning reels.
- (6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.
- (7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.
- (8) It is not part of an electronic network and is not interactive.

(OO)(1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:

(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.

(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.

(c) It identifies a winning bingo pattern.

(2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.

(PP) "~~Deal of instant bingo tickets~~" means a single game of instant bingo tickets, or a single game of electronic instant bingo tickets, all with the same serial number.

(QQ)(1) "Slot machine" means either of the following:

(a) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;

(b) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.

(2) "Slot machine" does not include a skill-based amusement machine ~~or~~, an instant bingo ticket dispenser, or an electronic instant bingo system.

(RR) "Net profit from the proceeds of the sale of instant bingo or electronic instant bingo" means gross profit minus the ordinary, necessary,

and reasonable expense expended for the purchase of ~~instant~~ bingo supplies for the purpose of conducting instant bingo or electronic instant bingo, and, in the case of instant bingo or electronic instant bingo conducted by a veteran's, fraternal, or sporting organization, minus the payment by that organization of real property taxes and assessments levied on a premises on which instant bingo or electronic instant bingo is conducted.

(SS) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.

(TT) "Game flare" means the board or placard, or electronic representation of a board or placard, that accompanies each deal of instant bingo or electronic instant bingo tickets and that ~~has printed on or affixed to it~~ includes the following information for the game:

- (1) The name of the game;
- (2) The manufacturer's name or distinctive logo;
- (3) The form number;
- (4) The ticket count;
- (5) The prize structure, including the number of winning ~~instant-bingo~~ tickets by denomination and the respective winning symbol or number combinations for the winning ~~instant-bingo~~ tickets;
- (6) The cost per play;
- (7) The serial number of the game.

(UU)(1) "Skill-based amusement machine" means a mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:

(a) The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;

(b) Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;

(c) Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and

(d) Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

A card for the purchase of gasoline is a redeemable voucher for purposes of division (UU)(1) of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.

(b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;

(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.

(d) The success of any player is or may be determined by a chance event that cannot be altered by player actions.

(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player.

(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(3) All of the following apply to any machine that is operated as described in division (UU)(1) of this section:

(a) As used in division (UU) of this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.

(b) Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition, or tournament play.

(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.

(4) For purposes of division (UU)(1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.

(VV) "Merchandise prize" means any item of value, but shall not include any of the following:

- (1) Cash, gift cards, or any equivalent thereof;
- (2) Plays on games of chance, state lottery tickets, or bingo, ~~or instant bingo~~;
- (3) Firearms, tobacco, or alcoholic beverages; or
- (4) A redeemable voucher that is redeemable for any of the items listed in division (VV)(1), (2), or (3) of this section.

(WW) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.

(XX) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.

(YY) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this state for a period of three years.

(ZZ) "Community action agency" has the same meaning as in section 122.66 of the Revised Code.

(AAA)(1) "Sweepstakes terminal device" means a mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:

(a) The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.

(b) The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.

(c) The device selects prizes from a predetermined finite pool of entries.

(d) The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.

(e) The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.

(f) The device utilizes software to create a game result.

(g) The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.

(h) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

(2) As used in this division and in section 2915.02 of the Revised Code:

(a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.

(b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.

(c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

(d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in division (G) of section 2915.02 of the Revised Code.

(BBB) "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under this chapter, pari-mutuel wagering as authorized by Chapter 3769. of the Revised Code, lotteries conducted by the state lottery commission as authorized by Chapter 3770. of the Revised Code, and casino gaming as authorized by Chapter 3772. of the Revised Code.

(CCC)(1) "Electronic instant bingo" means a form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket

contains a combination of numbers or symbols that was designated in advance as a winning combination, and to which all of the following apply:

(a) Each deal has a predetermined, finite number of winning and losing tickets and a predetermined prize amount and deal structure, provided that there may be multiple winning combinations in each deal and multiple winning tickets.

(b) Each electronic instant bingo ticket within a deal has a unique serial number that is not regenerated.

(c) Each electronic instant bingo ticket within a deal is sold for the same price.

(d) After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant.

(e) The reveal of numbers or symbols on the ticket may incorporate an entertainment or bonus theme, provided that the reveal does not include spinning reels that resemble a slot machine.

(f) The reveal theme, if any, does not require additional consideration or award any prize other than any predetermined prize associated with the electronic instant bingo ticket.

(2) "Electronic instant bingo" shall not include any of the following:

(a) Any game, entertainment, or bonus theme that replicates or simulates any of the following:

(i) The gambling games of keno, blackjack, roulette, poker, craps, other casino-style table games;

(ii) Horse racing;

(iii) Gambling games offered in this state on slot machines or video lottery terminals. As used in this division, "video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.

(b) Any device operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more rotating reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to a rest;

(c) Any device that includes a coin or token slot, tray, or hopper and the ability to dispense coins, cash, tokens, or anything of value other than a credit ticket voucher.

(DDD) "Electronic instant bingo system" means both of the following:

(1) A mechanical, electronic, digital, or video device and associated software to which all of the following apply:

(a) It is used by not more than one player at a time to play electronic instant bingo on a single screen that is physically connected to the device;

(b) It is located on the premises of the principal place of business of a veteran's or fraternal organization that holds a type II or type III bingo license to conduct electronic instant bingo at that location issued under section 2915.08 of the Revised Code.

(2) Any associated equipment or software used to manage, monitor, or document any aspect of electronic instant bingo.

Sec. 2915.08. (A)(1) ~~Annually~~ Except as otherwise permitted under section 2915.092 of the Revised Code, annually before the first day of January, a charitable organization that desires to conduct bingo, ~~instant bingo at a bingo session, or instant bingo other than at a bingo session~~ shall make out, upon a form to be furnished by the attorney general for that purpose, an application for a license apply to the attorney general for one or more of the following types of licenses to conduct bingo, as appropriate:

(a) A type I license to conduct bingo as described in division (O)(1) of section 2915.01 of the Revised Code;

(b) A type II license to conduct instant bingo, electronic instant bingo, or both at a bingo session; or;

(c) A type III license to conduct instant bingo, electronic instant bingo, or both other than at a bingo session and deliver that, in accordance with sections 2915.093 to 2915.095 or sections 2915.13 to 2915.15 of the Revised Code, as applicable.

(2) A veteran's organization or fraternal organization that is authorized under section 2915.14 of the Revised Code to conduct electronic instant bingo may be issued only one license to conduct electronic instant bingo at any one time. The organization may conduct electronic instant bingo under that license at only one location specified on the license, which shall be the organization's principal place of business.

(B) The application to the attorney general together with shall be accompanied by a license fee as follows:

(a) ~~Except as otherwise provided in this division, for~~ (1) If the charitable organization was not licensed to conduct bingo under this chapter before July 1, 2003, a fee established by the attorney general by rule adopted pursuant to section 111.15 of the Revised Code.

(2) If the charitable organization was licensed to conduct bingo under this chapter before July 1, 2003, the following applicable fee:

(a) For a type I license for the a charitable organization that wishes to

conduct of bingo during twenty-six or more weeks in any calendar year, a license fee of two hundred dollars;

(b) For a type II or type III license for the a charitable organization that previously has not been licensed under this chapter to conduct of instant bingo at a bingo session or electronic instant bingo other than at a bingo-session for a charitable organization that previously has not been licensed under this chapter to conduct instant bingo at a bingo session or instant bingo other than at a bingo session and that wishes to conduct bingo during twenty-six or more weeks in any calendar year, a license fee of five hundred dollars; and for any other;

(c) For a type II or type III license for a charitable organization that previously has been licensed under this chapter to conduct instant bingo or electronic instant bingo and that desires to conduct bingo during twenty-six or more weeks in any calendar year, a license fee that is based upon the gross profits received by the charitable organization from the operation of instant bingo at a bingo session or electronic instant bingo other than at a bingo-session, during the one-year period ending on the thirty-first day of October of the year immediately preceding the year for which the license is sought, and that is one of the following:

(i) Five hundred dollars, if the total is fifty thousand dollars or less;

(ii) One thousand two hundred fifty dollars plus one-fourth per cent of the gross profit, if the total is more than fifty thousand dollars but less than two hundred fifty thousand one dollars;

(iii) Two thousand two hundred fifty dollars plus one-half per cent of the gross profit, if the total is more than two hundred fifty thousand dollars but less than five hundred thousand one dollars;

(iv) Three thousand five hundred dollars plus one per cent of the gross profit, if the total is more than five hundred thousand dollars but less than one million one dollars;

(v) Five thousand dollars plus one per cent of the gross profit, if the total is one million one dollars or more;.

(c) A (d) For a type I, type II, or type III license for a charitable organization that desires to conduct bingo during fewer than twenty-six weeks in any calendar year, a reduced license fee established by the attorney general by rule adopted pursuant to division (G) of this section 111.15 of the Revised Code.

(d) For a license to conduct bingo for a charitable organization that prior to July 1, 2003, has not been licensed under this chapter to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo-session, a license fee established by rule by the attorney general in accordance with division (H) of this section.

(2)(C) The application shall be in the form prescribed by the attorney general, shall be signed and sworn to by the applicant, and shall contain all of the following:

(a)(1) The name and post-office address of the applicant;

(b)(2) A statement that the applicant is a charitable organization and that it has been in continuous existence as a charitable organization in this state for two years immediately preceding the making of the application;

(c)(3) The location at which the organization will conduct bingo, which location shall be within the county in which the principal place of business of the applicant is located, the days of the week and the times on each of those days when bingo will be conducted, whether the organization owns, leases, or subleases the premises, and a copy of the rental agreement if it leases or subleases the premises;

(d)(4) A statement of the applicant's previous history, record, and association that is sufficient to establish that the applicant is a charitable organization, and a copy of a determination letter that is issued by the Internal Revenue Service and states that the organization is tax exempt under subsection 501(a) and described in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code;

(e)(5) A statement as to whether the applicant has ever had any previous application refused, whether it previously has had a license revoked or suspended, and the reason stated by the attorney general for the refusal, revocation, or suspension;

(f)(6) A statement of the charitable purposes for which the net profit derived from bingo, ~~other than instant bingo~~, described in division (O)(1) of section 2915.01 of the Revised Code will be used, ~~and~~ or a statement of how the net profit derived from instant bingo or electronic instant bingo will be distributed in accordance with section 2915.101 of the Revised Code, as applicable;

(g)(7) Other necessary and reasonable information that the attorney general may require by rule adopted pursuant to section 111.15 of the Revised Code;

(h)(8) If the applicant is a charitable trust as defined in section 109.23 of the Revised Code, a statement as to whether it has registered with the attorney general pursuant to section 109.26 of the Revised Code or filed annual reports pursuant to section 109.31 of the Revised Code, and, if it is not required to do either, the exemption in section 109.26 or 109.31 of the Revised Code that applies to it;

(i)(9) If the applicant is a charitable organization as defined in section 1716.01 of the Revised Code, a statement as to whether it has filed with the attorney general a registration statement pursuant to section 1716.02 of the

Revised Code and a financial report pursuant to section 1716.04 of the Revised Code, and, if it is not required to do both, the exemption in section 1716.03 of the Revised Code that applies to it;

~~(+)(10)~~ In the case of an applicant seeking to qualify as a youth athletic park organization, a statement issued by a board or body vested with authority under Chapter 755. of the Revised Code for the supervision and maintenance of recreation facilities in the territory in which the organization is located, certifying that the playing fields owned by the organization ~~were used for at least one hundred days during the year in which the statement is issued, and~~ were open for use to all residents of that territory, regardless of race, color, creed, religion, sex, or national origin, for athletic activities by youth athletic organizations that do not discriminate on the basis of race, color, creed, religion, sex, or national origin, and that the fields were not used for any profit-making activity at any time during the year. That type of board or body is authorized to issue the statement upon request and shall issue the statement if it finds that the applicant's playing fields were so used.

~~(3)(D)~~ The attorney general, within thirty days after receiving a timely filed application from a charitable organization that has been issued a license under this section that has not expired and has not been revoked or suspended, shall send a temporary permit to the applicant specifying the date on which the application was filed with the attorney general and stating that, pursuant to section 119.06 of the Revised Code, the applicant may continue to conduct bingo until a new license is granted or, if the application is rejected, until fifteen days after notice of the rejection is mailed to the applicant. The temporary permit does not affect the validity of the applicant's application and does not grant any rights to the applicant except those rights specifically granted in section 119.06 of the Revised Code. The issuance of a temporary permit by the attorney general pursuant to this division does not prohibit the attorney general from rejecting the applicant's application because of acts that the applicant committed, or actions that the applicant failed to take, before or after the issuance of the temporary permit.

~~(4)(E)~~ Within thirty days after receiving an initial license application from a charitable organization to conduct bingo, ~~instant bingo at a bingo session, or instant bingo other than at a bingo session,~~ the attorney general shall conduct a preliminary review of the application and notify the applicant regarding any deficiencies. Once an application is deemed complete, or beginning on the thirtieth day after the application is filed, if the attorney general failed to notify the applicant of any deficiencies, the attorney general shall have an additional sixty days to conduct an investigation and either grant, grant with limits, restrictions, or probationary conditions, or deny the application based on findings established and communicated in accordance with divisions ~~(B)(F)~~ and ~~(E)(I)~~ of this section. As an option to granting, granting with limits, restrictions, or probationary conditions, or denying an

initial license application, the attorney general may grant a temporary license and request additional time to conduct the investigation if the attorney general has cause to believe that additional time is necessary to complete the investigation and has notified the applicant in writing about the specific concerns raised during the investigation.

~~(B)(1)(F)(1)~~ The attorney general shall adopt rules to enforce sections 2915.01, 2915.02, and 2915.07 to ~~2915.13~~ 2915.15 of the Revised Code to ensure that bingo or instant bingo is conducted in accordance with those sections and to maintain proper control over the conduct of bingo or instant bingo. ~~The~~ Except as otherwise provided in this section, the rules, except ~~rules adopted pursuant to divisions (A)(2)(g) and (G) of this section,~~ shall be adopted pursuant to Chapter 119. of the Revised Code. The attorney general shall license charitable organizations to conduct bingo, ~~instant bingo at a bingo session, or instant bingo other than at a bingo session~~ in conformance with this chapter and with the licensing provisions of Chapter 119. of the Revised Code.

~~(2) The attorney general may refuse to grant a license to any~~ If any of the following applies to an organization, or revoke or suspend the license of any organization, that does any of the following or to which any of the following applies the attorney general may refuse to grant a license to the organization, may revoke or suspend the organization's license, or may place limits, restrictions, or probationary conditions on the organization's license for a limited or indefinite period, as determined by the attorney general:

(a) ~~Fails~~ The organization fails or has failed at any time to meet any requirement of section 109.26, 109.31, or 1716.02, or sections 2915.07 to ~~2915.11~~ 2915.15 of the Revised Code, or violates or has violated any provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised Code or any rule adopted by the attorney general pursuant to this ~~section;~~ chapter.

(b) ~~Makes~~ The organization makes or has made an incorrect or false statement that is material to the granting of the license in an application filed ~~pursuant to division (A) of~~ under this section;.

(c) ~~Submits~~ The organization submits or has submitted any incorrect or false information relating to an application if the information is material to the granting of the license;.

(d) ~~Maintains~~ The organization maintains or has maintained any incorrect or false information that is material to the granting of the license in the records required to be kept pursuant to ~~divisions (A) and (C) of~~ section 2915.10 of the Revised Code, if applicable;.

(e) The attorney general has good cause to believe that the organization will not conduct bingo, ~~instant bingo at a bingo session, or instant bingo other than at a bingo session~~ in accordance with sections 2915.07 to ~~2915.13~~ 2915.15 of the Revised Code or with any rule adopted by

the attorney general pursuant to this ~~section~~ chapter.

(3) If the attorney general has good cause to believe that any director or officer of the organization has breached the director's or officer's fiduciary duty to, or committed theft or any other type of misconduct related to, the organization or any other charitable organization that has been issued a bingo license under this chapter, the attorney general may refuse to grant a license to the organization, may impose limits, restrictions, or probationary conditions on the license, or may revoke or suspend the organization's license for a period not to exceed five years.

(4) The attorney general may impose a civil fine on an organization licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary conditions on its license, and for failure to comply with this chapter or any rule adopted under this chapter, according to a schedule of fines that the attorney general shall adopt in accordance with Chapter 119. of the Revised Code.

(5) For the purposes of division ~~(B)~~(F) of this section, any action of an officer, trustee, agent, representative, or bingo game operator of an organization is an action of the organization.

~~(C)~~(G) The attorney general may grant licenses to charitable organizations that are branches, lodges, or chapters of national charitable organizations.

~~(D)~~(H) The attorney general shall send notice of any of the following actions in writing to the prosecuting attorney and sheriff of the county in which the charitable organization will conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, as stated in its application for a license or amended license, is located and to any other law enforcement agency in that county that so requests, of all of the following:

- (1) The issuance of ~~the a~~ license under this section;
- (2) The issuance of ~~the an~~ amended license under this section;
- (3) The rejection of an application for and refusal to grant a license under this section;
- (4) The revocation of any license previously issued under this section;
- (5) The suspension of any license previously issued under this section;
- (6) The placing of any limits, restrictions, or probationary conditions placed on a license issued under this section.

~~(E)~~(I) A license issued by the attorney general under this section shall set forth the information contained on the application of the charitable organization that the attorney general determines is relevant, including, but

not limited to, the location at which the organization will conduct bingo, ~~instant bingo at a bingo session, or instant bingo other than at a bingo session~~ whether the license is a type I, type II, or type III license, and the days of the week and the times on each of those days when bingo will be conducted. If the attorney general refuses to grant, places limits, restrictions, or probationary conditions on, or revokes or suspends a license, the attorney general shall notify the applicant in writing and specifically identify the reason for the refusal, revocation, limit, restriction, probationary condition, or suspension in narrative form and, if applicable, by identifying the section of the Revised Code violated. The failure of the attorney general to give the written notice of the reasons for the refusal, revocation, limit, restriction, probationary condition, or suspension or a mistake in the written notice does not affect the validity of the attorney general's refusal to grant, or the revocation or suspension of, or limit, restriction, probationary condition on, a license. If the attorney general fails to give the written notice or if there is a mistake in the written notice, the applicant may bring an action to compel the attorney general to comply with this division or to correct the mistake, but the attorney general's order refusing to grant, or placing a limit, restriction, or probationary condition on, or revoking or suspending, a license shall not be enjoined during the pendency of the action.

~~(F) A (J)(1)(a) Except as otherwise provided in division (J)(2) of this section, a charitable organization that has been issued a license pursuant to division (B) of under this section but that cannot conduct bingo or instant bingo at the location, or on the day of the week or at the time, specified on the license due to circumstances that make it impractical to do so, or that desires to conduct instant bingo other than at a bingo session at additional locations not identified on the license, may apply in writing, together with an application fee of two hundred fifty dollars, to the attorney general, at least thirty days prior to a change in or addition of a location, day of the week, or time, and request an amended license. As~~

~~(b) As applicable, the application shall describe the causes making it impractical for the organization to conduct bingo or instant bingo in conformity with its license and shall indicate the location, days of the week, and times on each of those days when it desires to conduct bingo or instant bingo and, as applicable, shall indicate the additional locations at which it desires to conduct instant bingo other than at a bingo session. Except~~

~~(c) Except as otherwise provided in this division (J)(3) of this section, the attorney general shall issue the amended license in accordance with division (E)(I) of this section, and the organization shall surrender its original license to the attorney general. The~~

(2)(a) A charitable organization that has been issued a license under this section to conduct electronic instant bingo but that cannot conduct electronic instant bingo at the location, or on the day of the week or at the

time, specified on the license due to circumstances that make it impractical to do so, may apply in writing, together with an application fee of two hundred fifty dollars, to the attorney general, at least thirty days prior to a change in a location, day of the week, or time, and request an amended license. A charitable organization may not apply for an amended license to conduct electronic instant bingo at any additional location.

(b) The application shall describe the causes making it impractical for the organization to conduct electronic instant bingo in conformity with its license and shall indicate the location, days of the week, and times on each of those days when it desires to conduct electronic instant bingo.

(c) Except as otherwise provided in division (J)(3) of this section, the attorney general shall issue the amended license in accordance with division (I) of this section, and the organization shall surrender its original license to the attorney general.

(3) The attorney general may refuse to grant an amended license under division (J)(1) or (2) of this section according to the terms of division (B)(F) of this section.

~~(G) The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, shall establish a schedule of reduced license fees for charitable organizations that desire to conduct bingo or instant bingo during fewer than twenty-six weeks in any calendar year.~~

~~(H) The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, shall establish license fees for the conduct of bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session for charitable organizations that prior to July 1, 2003, have not been licensed to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session under this chapter.~~

~~(I)(K)~~ The attorney general may enter into a written contract with any other state agency to delegate to that state agency the powers prescribed to the attorney general under Chapter 2915. of the Revised Code.

~~(J)(L)~~ The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, may adopt rules to determine the requirements for a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code to be in good standing in the state.

Sec. 2915.081. (A) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to another person, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, for use in this state without having obtained a license from the attorney general under this section.

(B)(L) The attorney general may issue a distributor license to any

person that meets the requirements of this section. The application for the license shall be on a form prescribed by the attorney general and be accompanied by the annual fee prescribed by this section. The license is valid for a period of one year, and the annual fee for the license is five thousand dollars.

(2) Upon applying for or renewing a license under this section, an applicant shall file with and have approved by the attorney general a bond in which the applicant shall be the principal obligor, in the sum of fifty thousand dollars, with one or more sureties authorized to do business in this state. The applicant shall maintain the bond in effect as long as the license is valid; however, the liability of the surety under the bond shall not exceed an all-time aggregate liability of fifty thousand dollars. The bond, which may be in the form of a rider to a larger blanket liability bond, shall run to the state and to any person who may have a cause of action against the principal obligor of the bond for any liability arising out of a violation by the obligor of any provision of this chapter or any rule adopted pursuant to this chapter.

(C) The attorney general may refuse to issue a distributor license to any person to which any of the following applies, or to any person that has an officer, partner, or other person who has an ownership interest of ten per cent or more and to whom any of the following applies:

(1) The person, officer, or partner has been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.

(2) The person, officer, or partner has made an incorrect or false statement that is material to the granting of a license in an application submitted to the attorney general under this section or in a similar application submitted to a gambling licensing authority in another jurisdiction if the statement resulted in license revocation through administrative action in the other jurisdiction.

(3) The person, officer, or partner has submitted any incorrect or false information relating to the application to the attorney general under this section, if the information is material to the granting of the license.

(4) The person, officer, or partner has failed to correct any incorrect or false information that is material to the granting of the license in the records required to be maintained under division (F) of section 2915.10 of the Revised Code.

(5) The person, officer, or partner has had a license related to gambling revoked or suspended under the laws of this state, another state, or the United States.

(6) The attorney general has good cause to believe that a person, officer, or partner has committed a breach of fiduciary duty, theft, or other

type of misconduct related to a charitable organization that has obtained a bingo license issued under this chapter.

(D) The attorney general shall not issue a distributor license to any person that is involved in the conduct of bingo on behalf of a charitable organization or that is a lessor of premises used for the conduct of bingo. This division does not prohibit a distributor from advising charitable organizations on the use and benefit of specific bingo supplies or prohibit a distributor from advising a customer on operational methods to improve bingo profitability.

(E)(1) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to any person, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, for use in this state except to or for the use of a charitable organization that has been issued a license under section 2915.08 of the Revised Code or to another distributor that has been issued a license under this section. No distributor shall accept payment for the sale or other provision of bingo supplies other than by check or electronic fund transfer.

(2) No distributor may donate, give, loan, lease, or otherwise provide any bingo supplies or equipment, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, to or for the use of a charitable organization for use in a bingo session conditioned on or in consideration for an exclusive right to provide bingo supplies to the charitable organization. A distributor may provide a licensed charitable organization with free samples of the distributor's products to be used as prizes or to be used for the purpose of sampling.

(3) No distributor shall purchase bingo supplies for use in this state from any person except from a manufacturer issued a license under section 2915.082 of the Revised Code or from another distributor issued a license under this section. Subject to division (D) of section 2915.082 of the Revised Code, no distributor shall pay for purchased bingo supplies other than by check or electronic fund transfer.

(4) No distributor shall participate in the conduct of bingo on behalf of a charitable organization or have any direct or indirect ownership interest in a premises used for the conduct of bingo.

(5) No distributor shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for providing bingo supplies to any person in this state.

(F)(1) No distributor shall knowingly sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this state, or install, maintain, update, or repair an electronic instant bingo system, without first obtaining an electronic instant bingo distributor

endorsement to the person's distributor license issued under this section. An applicant for a distributor license under this section may apply simultaneously for an electronic instant bingo distributor endorsement to that license. Any individual who installs, maintains, updates, or repairs an electronic instant bingo system also shall hold an appropriate and valid occupational license issued by the Ohio casino control commission under Chapter 3772. of the Revised Code.

(2) An applicant for an electronic instant bingo distributor endorsement shall submit the application on a form prescribed by the attorney general and shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The applicant shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and shall fill out the form the superintendent prescribes pursuant to division (C)(1) of that section. Upon receiving an application for an electronic instant bingo distributor endorsement, the attorney general shall request the superintendent, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A)(18) of that section. The applicant shall pay any fee required under division (C)(3) of that section.

(3) The attorney general shall not issue an electronic instant bingo distributor endorsement to an applicant unless the attorney general has received the results of the criminal records check described in division (F)(2) of this section. The attorney general shall not issue an electronic instant bingo distributor endorsement to an applicant if the applicant, any officer or partner of the applicant, or any person who has an ownership interest of ten per cent or more in the applicant has violated any provision of this chapter or any rule adopted by the attorney general under this chapter or has violated any existing or former law or rule of this state, any other state, or the United States that is substantially equivalent to any provision of this chapter or any rule adopted by the attorney general under this chapter.

(4) An electronic instant bingo distributor endorsement issued under this section shall be valid for the period of the underlying distributor license.

(G) The attorney general may suspend, place limits, restrictions, or probationary conditions on, or revoke a distributor license or an electronic instant bingo distributor endorsement, for a limited or indefinite period of time at the attorney general's discretion, for any of the following reasons:

(1) Any reason for which the attorney general may refuse to issue a distributor the license specified in divisions (C)(2) to (5) of this section or endorsement;

(2) The distributor holding the license or endorsement violates any

provision of this chapter or any rule adopted by the attorney general under this chapter;

(3) The distributor or any officer, partner, or other person who has an ownership interest of ten per cent or more in the distributor is convicted of either of the following:

(a) A felony under the laws of this state, another state, or the United States;

(b) Any gambling offense.

~~(G)~~(H) The attorney general may adopt rules for the application, acceptance, denial, suspension, revocation, limitation, restriction, or condition of a distributor license or endorsement, and to enforce any other provisions of this section, in accordance with Chapter 119. of the Revised Code.

(I) The attorney general may impose a civil fine on a distributor licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary conditions on its license, or for failure to comply with this chapter or any rule adopted under this chapter, according to a schedule of fines that the attorney general shall adopt in accordance with Chapter 119. of the Revised Code.

(J) Whoever violates division (A) ~~or~~, (E), or (F) of this section is guilty of illegally operating as a distributor. Except as otherwise provided in this division, illegally operating as a distributor is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) ~~or~~, (E), or (F) of this section, illegally operating as a distributor is a felony of the fifth degree.

Sec. 2915.082. (A) No manufacturer shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies for use in this state without having obtained a license from the attorney general under this section.

(B)(1) The attorney general may issue a manufacturer license to any person that meets the requirements of this section. The application for the license shall be on a form prescribed by the attorney general and be accompanied by the annual fee prescribed by this section. The license is valid for a period of one year, and the annual fee for the license is five thousand dollars.

(2) Upon applying for or renewing a license under this section, an applicant shall file with and have approved by the attorney general a bond in which the applicant shall be the principal obligor, in the sum of fifty thousand dollars, with one or more sureties authorized to do business in this state. The applicant shall maintain the bond in effect as long as the license is valid; however, the liability of the surety under the bond shall not exceed an

all-time aggregate liability of fifty thousand dollars. The bond, which may be in the form of a rider to a larger blanket liability bond, shall run to the state and to any person who may have a cause of action against the principal obligor of the bond for any liability arising out of a violation by the obligor of any provision of this chapter or any rule adopted pursuant to this chapter.

(C) The attorney general may refuse to issue a manufacturer license to any person to which any of the following applies, or to any person that has an officer, partner, or other person who has an ownership interest of ten per cent or more and to whom any of the following applies:

(1) The person, officer, or partner has been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.

(2) The person, officer, or partner has made an incorrect or false statement that is material to the granting of a license in an application submitted to the attorney general under this section or in a similar application submitted to a gambling licensing authority in another jurisdiction if the statement resulted in license revocation through administrative action in the other jurisdiction.

(3) The person, officer, or partner has submitted any incorrect or false information relating to the application to the attorney general under this section, if the information is material to the granting of the license.

(4) The person, officer, or partner has failed to correct any incorrect or false information that is material to the granting of the license in the records required to be maintained under division (G) of section 2915.10 of the Revised Code.

(5) The person, officer, or partner has had a license related to gambling revoked or suspended under the laws of this state, another state, or the United States.

(6) The attorney general has good cause to believe that the person, officer, or partner has committed a breach of fiduciary duty, theft, or other type of misconduct, related to a charitable organization that has obtained a bingo license under this chapter.

(D)(1) No manufacturer shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to any person for use in this state except to a distributor that has been issued a license under section 2915.081 of the Revised Code. No manufacturer shall accept payment for the sale of bingo supplies other than by check or electronic fund transfer.

(2) No manufacturer shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for providing bingo supplies to any person in this state.

(E)(1) No manufacturer shall knowingly sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this state, or submit an electronic instant bingo system for testing and approval under section 2915.15 of the Revised Code, without first obtaining an electronic instant bingo manufacturer endorsement to the person's manufacturer license issued under this section. An applicant for a manufacturer license under this section may apply simultaneously for an electronic instant bingo manufacturer endorsement to that license.

(2) A manufacturer licensed under this section may only sell, offer to sell, or otherwise provide or offer to provide electronic instant bingo systems that contain proprietary software owned by or licensed to the manufacturer. If the proprietary software is licensed to the manufacturer, the manufacturer shall provide a copy of the license along with the application for an endorsement under this section.

(3) An applicant for an electronic instant bingo manufacturer endorsement shall submit the application on a form prescribed by the attorney general and shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The applicant shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and shall fill out the form the superintendent prescribes pursuant to division (C)(1) of that section. Upon receiving an application for an electronic instant bingo manufacturer endorsement, the attorney general shall request the superintendent, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A)(18) of that section. The applicant shall pay any fee required under division (C)(3) of that section.

(4) The attorney general shall not issue an electronic instant bingo manufacturer endorsement to an applicant unless the attorney general has received the results of the criminal records check described in division (E)(3) of this section. The attorney general shall not issue an electronic instant bingo manufacturer endorsement to an applicant if the applicant, any officer or partner of the applicant, or any person who has an ownership interest of ten per cent or more in the applicant has violated any existing or former law or rule of this state, any other state, or the United States that is substantially equivalent to any provision of this chapter or any rule adopted by the attorney general under this chapter.

(F)(1) The attorney general may suspend, place limits, restrictions, or probationary conditions on, or revoke a manufacturer license or an electronic instant bingo manufacturer endorsement for a limited or indefinite period of time for any of the following reasons:

(a) Any reason for which the attorney general may refuse to issue a ~~manufacturer the license specified in divisions (C)(2) to (5) of this section or endorsement;~~

(b) The manufacturer holding the license or endorsement violates any provision of this chapter or any rule adopted by the attorney general under this chapter;

(c) The manufacturer or any officer, partner, or other person who has an ownership interest of ten per cent or more in the manufacturer is convicted of either of the following:

(i) A felony under the laws of this state, another state, or the United States;

(ii) Any gambling offense.

(2) The attorney general may perform an onsite inspection of a manufacturer of bingo supplies that is selling, offering to sell, or otherwise providing or offering to provide bingo supplies or that is applying for a license to sell, offer to sell, or otherwise provide or offer to provide bingo supplies in this state.

(3)(a) The attorney general shall establish by rule an application and renewal fee for an electronic instant bingo manufacturer endorsement in an amount sufficient to cover the costs the attorney general incurs in processing applications for electronic instant bingo manufacturer endorsements and investigating an applicant's suitability.

(b) If the cost of processing a particular application and investigating the applicant's suitability exceeds the amount of the application and renewal fee, the attorney general may charge the applicant an additional fee as necessary to cover that cost.

(c) The attorney general shall not issue an electronic instant bingo manufacturer endorsement unless the attorney general has received payment in full from the applicant for all fees to be charged under this section.

(F)(G) The attorney general may adopt rules for the application, acceptance, denial, suspension, revocation, limitation, restriction, or condition of a manufacturer license or endorsement described in this section, and to enforce any other provisions of this section, in accordance with Chapter 119. of the Revised Code.

(H) The attorney general may impose a civil fine on a manufacturer licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary conditions on its license, and for failure to comply with this chapter or any rule adopted under this chapter, according to a schedule of fines that the attorney general shall adopt in accordance with Chapter 119. of the Revised Code.

(I) Whoever violates division (A) ~~or~~, (D), or (E) of this section is

guilty of illegally operating as a manufacturer. Except as otherwise provided in this division, illegally operating as a manufacturer is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) ~~or~~, (D), ~~or~~ (E) of this section, illegally operating as a manufacturer is a felony of the fifth degree.

Sec. 2915.09. (A) No charitable organization that conducts bingo shall fail to do any of the following:

(1) Own all of the equipment used to conduct bingo or lease that equipment from a charitable organization that is licensed to conduct bingo, or from the landlord of a premises where bingo is conducted, for a rental rate that is not more than is customary and reasonable for that equipment;

(2) Except as otherwise provided in division (A)(3) of this section, use all of the gross receipts from bingo for paying prizes, for reimbursement of expenses for or for renting premises in which to conduct a bingo session, for reimbursement of expenses for or for purchasing or leasing bingo supplies used in conducting bingo, for reimbursement of expenses for or for hiring security personnel, for reimbursement of expenses for or for advertising bingo, or for reimbursement of other expenses or for other expenses listed in division (GG) of section 2915.01 of the Revised Code, provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring, advertising, or expense. If the building in which bingo is conducted is owned by the charitable organization conducting bingo and the bingo conducted includes a form of bingo described in division (O)(1) of section 2915.01 of the Revised Code, the charitable organization may deduct from the total amount of the gross receipts from each session a sum equal to the lesser of six hundred dollars or forty-five per cent of the gross receipts from the bingo described in that division as consideration for the use of the premises.

(3) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, ~~other than instant bingo, described in division (O)(1) of section 2915.01 of the Revised Code~~ for a charitable purpose listed in its license application and described in division (V) of section 2915.01 of the Revised Code, or distribute all of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo as stated in its license application and in accordance with section 2915.101 of the Revised Code, as applicable.

(B) No charitable organization that conducts a bingo game described in division (O)(1) of section 2915.01 of the Revised Code shall fail to do any of the following:

(1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of six hundred dollars per bingo session or forty-five

per cent of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of four hundred fifty dollars per bingo session, or on premises that are owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of four hundred fifty dollars per bingo session. No charitable organization is required to pay property taxes or assessments on premises that the charitable organization leases from another person to conduct bingo sessions. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service. A charitable organization shall not lease or sublease premises that it owns or leases to more than three other charitable organizations per calendar week for conducting bingo sessions on the premises. A person that is not a charitable organization shall not lease premises that it owns, leases, or otherwise is empowered to lease to more than three charitable organizations per calendar week for conducting bingo sessions on the premises. In no case shall more than nine bingo sessions be conducted on any premises in any calendar week.

(2) Display its license conspicuously at the premises where the bingo session is conducted;

(3) Conduct the bingo session in accordance with the definition of bingo set forth in division (O)(1) of section 2915.01 of the Revised Code.

(C) No charitable organization that conducts a bingo game described in division (O)(1) of section 2915.01 of the Revised Code shall do any of the following:

(1) Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell, or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;

(2) Pay consulting fees to any person for any services performed in relation to the bingo session;

(3) Pay concession fees to any person who provides refreshments to the participants in the bingo session;

(4) Except as otherwise provided in division (C)(4) of this section, conduct more than three bingo sessions in any seven-day period. A volunteer firefighter's organization or a volunteer rescue service organization that conducts not more than five bingo sessions in a calendar year may conduct more than three bingo sessions in a seven-day period after notifying the attorney general when it will conduct the sessions.

(5) Pay out more than six thousand dollars in prizes for bingo games described in division (O)(1) of section 2915.01 of the Revised Code during any bingo session that is conducted by the charitable organization. "Prizes" does not include awards from the conduct of instant bingo.

(6) Conduct a bingo session at any time during the eight-hour period between two a.m. and ten a.m., at any time during, or within ten hours of, a bingo game conducted for amusement only pursuant to section 2915.12 of the Revised Code, at any premises not specified on its license, or on any day of the week or during any time period not specified on its license. Division (A)(6) of this section does not prohibit the sale of instant bingo tickets beginning at nine a.m. for a bingo session that begins at ten a.m. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time, specified on its license, or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license, the charitable organization may apply in writing to the attorney general for an amended license pursuant to division ~~(F)~~(J) of section 2915.08 of the Revised Code. A charitable organization may apply twice in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license. If the amended license is granted, the organization may conduct bingo sessions at the premises, on the day of the week, and at the time specified on its amended license.

(7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen to work as a bingo game operator;

(8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;

(9) Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel,

concessions, bingo supplies, or any other type of service;

(10) Purchase or lease bingo supplies from any person except a distributor issued a license under section 2915.081 of the Revised Code;

(11)(a) Use or permit the use of electronic bingo aids except under the following circumstances:

(i) For any single participant, not more than ninety bingo faces can be played using an electronic bingo aid or aids.

(ii) The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets.

(iii) The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.

(iv) An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.

(v) An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.

(vi) An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.

(b) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the attorney general to verify the number of bingo cards or sheets played during each bingo session.

(12) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play bingo described in division (O)(1) of section 2915.01 of the Revised Code.

(D)(1) Except as otherwise provided in division (D)(3) of this section, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo during a bingo session.

(2) Except as otherwise provided in division (D)(3) of this section, no

charitable organization shall provide to a bingo game operator any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting instant bingo, electronic instant bingo, or both other than at a bingo session at the site of instant bingo, electronic instant bingo, or both other than at a bingo session.

(3) Nothing in division (D) of this section prohibits an employee of a fraternal organization, veteran's organization, or sporting organization from selling instant bingo tickets or cards to the organization's members or invited guests, as long as no portion of the employee's compensation is paid from any receipts of bingo.

(E) Notwithstanding division (B)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, that the lessor organization or person has notified the attorney general in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, that the initial lease entered into with each organization that will conduct the sessions was filed with the attorney general prior to December 6, 1977, and that each organization that will conduct the sessions was issued a license to conduct bingo games by the attorney general prior to December 6, 1977.

(F) This section does not prohibit a bingo licensed charitable organization or a game operator from giving any person an instant bingo ticket as a prize.

(G) Whoever violates division (A)(2) of this section is guilty of illegally conducting a bingo game, a felony of the fourth degree. Except as otherwise provided in this division, whoever violates division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) to ~~(42)~~(11), or (D) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) to (11), or (D) of this section, a violation of division (A)(1) or (3), (B)(1), (2), or (3), (C), or (D) of this section is a misdemeanor of the first degree. Whoever violates division (C)(12) of this section is guilty of a misdemeanor of the first degree, or if the offender previously has been convicted of a violation of division (C) (12) of this section, a felony of the fourth degree.

Sec. 2915.091. (A) No charitable organization that conducts instant bingo shall do any of the following:

(1) Fail to comply with the requirements of divisions (A)(1), (2), and (3) of section 2915.09 of the Revised Code;

(2) Conduct instant bingo unless either of the following applies:

(a) That organization is, and has received from the internal revenue service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(3) of the Internal Revenue Code, is a charitable organization as defined in section 2915.01 of the Revised Code, is in good standing in the state pursuant to section 2915.08 of the Revised Code, and is in compliance with Chapter 1716. of the Revised Code;

(b) That organization is, and has received from the internal revenue service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code, and conducts instant bingo under section 2915.13 of the Revised Code.

(3) Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to section 2915.08 of the Revised Code;

(4) Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;

(5) Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under section 2915.081 of the Revised Code;

(6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;

(7) Sell an instant bingo ticket or card to a person under eighteen years of age;

(8) Fail to keep unsold instant bingo tickets or cards for less than three years;

(9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or

society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;

(10) Pay fees to any person for any services performed in relation to an instant bingo game, except as provided in division (D) of section 2915.093 of the Revised Code;

(11) Pay fees to any person who provides refreshments to the participants in an instant bingo game;

(12)(a) Allow instant bingo tickets or cards to be sold to bingo game operators at a premises at which the organization sells instant bingo tickets or cards or to be sold to employees of a D permit holder who are working at a premises at which instant bingo tickets or cards are sold;

(b) Division (A)(12)(a) of this section does not prohibit a licensed charitable organization or a bingo game operator from giving any person an instant bingo ticket as a prize in place of a cash prize won by a participant in an instant bingo game. In no case shall an instant bingo ticket or card be sold or provided for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare.

(13) Fail to display its bingo license, and the serial numbers of the deal of instant bingo tickets or cards to be sold, conspicuously at each premises at which it sells instant bingo tickets or cards;

(14) Possess a deal of instant bingo tickets or cards that was not purchased from a distributor licensed under section 2915.081 of the Revised Code as reflected on an invoice issued by the distributor that contains all of the information required by division (E) of section 2915.10 of the Revised Code;

(15) Fail, once it opens a deal of instant bingo tickets or cards, to continue to sell the tickets or cards in that deal until the tickets or cards with the top two highest tiers of prizes in that deal are sold;

(16) Possess bingo supplies that were not obtained in accordance with ~~sections 2915.01 to 2915.13 of the Revised Code~~ this chapter.

(B) A charitable organization may purchase, lease, or use instant bingo ticket dispensers to sell instant bingo tickets or cards.

(C) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that govern the conduct of instant bingo by charitable organizations. Before those rules are adopted, the attorney general shall reference the recommended standards for opacity, randomization, minimum information, winner protection, color, and cutting for instant bingo tickets or cards, seal cards, and punch boards established by the North American gaming regulators association.

(D) Whoever violates division (A) of this section or a rule adopted under division (C) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) of this section or of such a rule, illegal instant bingo conduct is a felony of the fifth degree."

After line 25218, insert:

Sec. 2915.093. (A) As used in this section, "retail income from all commercial activity" means the income that a person receives from the provision of goods, services, or activities that are provided at the location where instant bingo other than at a bingo session is conducted, including the sale of instant bingo tickets. A religious organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, at not more than one location at which it conducts its charitable programs, may include donations from its members and guests as retail income.

(B)(1) If a charitable instant bingo organization conducts instant bingo other than at a bingo session under a type III license issued under section 2915.08 of the Revised Code, the charitable instant bingo organization shall enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted to allow the owner or lessor to assist in the conduct of instant bingo other than at a bingo session, identify each location where the instant bingo other than at a bingo session is being conducted, and identify the owner or lessor of each location.

(2) A charitable instant bingo organization that conducts instant bingo other than at a bingo session under a type III license issued under section 2915.08 of the Revised Code is not required to enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted, provided that the owner or lessor is not assisting in the conduct of the instant bingo other than at a bingo session and provided that the conduct of the instant bingo other than at a bingo session at that location is not more than five days per calendar year and not more than ten hours per day.

(C) Except as provided in division (F) of this section, no charitable instant bingo organization shall conduct instant bingo other than at a bingo session at a location where the primary source of retail income from all commercial activity at that location is the sale of instant bingo tickets.

(D) The owner or lessor of a location that enters into a contract pursuant to division (B) of this section shall pay the full gross profit to the charitable instant bingo organization, in return for the deal of instant bingo tickets. The owner or lessor may retain the money that the owner or lessor receives for selling the instant bingo tickets, provided, however, that after the deal has been sold, the owner or lessor shall pay to the charitable instant

bingo organization the value of any unredeemed instant bingo prizes remaining in the deal of instant bingo tickets.

The charitable instant bingo organization shall pay six per cent of the total gross receipts of any deal of instant bingo tickets for the purpose of reimbursing the owner or lessor for expenses described in this division.

As used in this division, "expenses" means those items provided for in divisions (GG)(4), (5), (6), (7), (8), (12), and (13) of section 2915.01 of the Revised Code and that percentage of the owner's or lessor's rent for the location where instant bingo is conducted. "Expenses," in the aggregate, shall not exceed six per cent of the total gross receipts of any deal of instant bingo tickets.

As used in this division, "full gross profit" means the amount by which the total receipts of all instant bingo tickets, if the deal had been sold in full, exceeds the amount that would be paid out if all prizes were redeemed.

(E) A charitable instant bingo organization shall provide the attorney general with all of the following information:

(1) That the charitable instant bingo organization has terminated a contract entered into pursuant to division (B) of this section with an owner or lessor of a location;

(2) That the charitable instant bingo organization has entered into a written contract pursuant to division (B) of this section with a new owner or lessor of a location;

(3) That the charitable instant bingo organization is aware of conduct by the owner or lessor of a location at which instant bingo is conducted that is in violation of this chapter.

(F) Division (C) of this section does not apply to a volunteer firefighter's organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that conducts instant bingo other than at a bingo session on the premises where the organization conducts firefighter training, that has conducted instant bingo continuously for at least five years prior to July 1, 2003, and that, during each of those five years, had gross receipts of at least one million five hundred thousand dollars.

Sec. 2915.095. The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, shall establish a standard contract to be used by a charitable instant bingo organization, a veteran's organization, ; a fraternal organization, or a sporting organization for the conduct of instant bingo, electronic instant bingo, or both other than at a bingo session under a type III license issued under section 2915.08 of the Revised Code. The terms of the contract shall be limited to the provisions in Chapter 2915. of the

Revised Code.

Sec. 2915.10. (A) No charitable organization that conducts bingo or a game of chance pursuant to division (D) of section 2915.02 of the Revised Code shall fail to maintain the following records for at least three years from the date on which the bingo or game of chance is conducted:

(1) An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, each electronic instant bingo game by serial number, each raffle, each punch board game, and each game of chance, and an itemized list of the gross profits of each game of instant bingo by serial number and each electronic instant bingo game by serial number;

(2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo ~~or instant bingo~~, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;

(3) A list of all prizes awarded during each bingo session, each raffle, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number and each electronic instant bingo game by serial number, and the name, address, and social security number of all persons who are winners of prizes of six hundred dollars or more in value;

(4) An itemized list of the recipients of the net profit of the bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in division (V) of section 2915.01, division (D) of section 2915.02, or section 2915.101 of the Revised Code, a list of each purpose and an itemized list of each expenditure for each purpose;

(5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;

(6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from gross receipts under division (T) of section 2915.01 of the Revised Code;

(7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo or electronic instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.

(B) A charitable organization shall keep the records that it is required to maintain pursuant to division (A) of this section at its principal place of business in this state or at its headquarters in this state and shall notify the

attorney general of the location at which those records are kept.

(C) The gross profit from each bingo session or game described in division (O)(1) or (2) of section 2915.01 of the Revised Code shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks or electronic fund transfers drawn on the bingo session or game account.

(D) Each charitable organization shall conduct and record an inventory of all of its bingo supplies as of the first day of November of each year.

(E) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that establish standards of accounting, record keeping, and reporting to ensure that gross receipts from bingo or games of chance are properly accounted for.

(F) A distributor shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing to another person bingo supplies for use in this state. The record shall include all of the following for each instance:

- (1) The name of the manufacturer from which the distributor purchased the bingo supplies and the date of the purchase;
- (2) The name and address of the charitable organization or other distributor to which the bingo supplies were sold or otherwise provided;
- (3) A description that clearly identifies the bingo supplies;
- (4) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each charitable organization.

(G) A manufacturer shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing bingo supplies for use in this state. The record shall include all of the following for each instance:

- (1) The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;
- (2) A description that clearly identifies the bingo supplies, including serial numbers;
- (3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.

(H) The attorney general or any law enforcement agency may do all of the following:

(1) Investigate any charitable organization, distributor, or manufacturer or any officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer;

(2) Examine the accounts and records of the charitable organization, distributor, or manufacturer or of any officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer;

(3) Conduct inspections, audits, and observations of bingo or games of chance;

(4) Conduct inspections of the premises where bingo or games of chance are conducted or where bingo supplies are manufactured or distributed;

(5) Take any other necessary and reasonable action to determine if a violation of any provision of ~~sections 2915.01 to 2915.13 of the Revised Code~~ this chapter has occurred and to determine whether section 2915.11 of the Revised Code has been complied with.

If any law enforcement agency has reasonable grounds to believe that a charitable organization, distributor, or manufacturer or an officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer has violated any provision of this chapter, the law enforcement agency may proceed by action in the proper court to enforce this chapter, provided that the law enforcement agency shall give written notice to the attorney general when commencing an action as described in this division.

(I) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization, distributor, or manufacturer that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance ~~or, of~~ premises where bingo or a game of chance is conducted, or of premises where bingo supplies are manufactured or distributed, or refuse to comply with any reasonable request of, or obstruct, impede, or interfere with any other reasonable action undertaken by, the attorney general or a law enforcement agency pursuant to division (H) of this section.

(J) Whoever violates division (A) or (I) of this section is guilty of a misdemeanor of the first degree.

Sec. 2915.101. Except as otherwise provided by law, a charitable organization that conducts instant bingo or electronic instant bingo shall distribute the net profit from the proceeds of the sale of instant bingo or electronic instant bingo as follows:

(A)(1) If a veteran's organization, a fraternal organization, or a sporting organization conducted the instant bingo or electronic instant bingo, the organization shall distribute the net profit from the proceeds of the sale of instant bingo or electronic instant bingo, as follows:

(a) For the first two hundred fifty thousand dollars, or a greater amount prescribed by the attorney general to adjust for changes in prices as measured by the consumer price index as defined in section 325.18 of the Revised Code and other factors affecting the organization's expenses, as defined in division (GG) of section 2915.01 of the Revised Code, or less of net profit from the proceeds of the sale of instant bingo or electronic instant bingo generated in a calendar year:

(i) At least twenty-five per cent shall be distributed to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(ii) Not more than seventy-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, as defined in division (GG) of section 2915.01 of the Revised Code, in conducting the instant bingo or electronic instant bingo game.

(b) For any net profit from the proceeds of the sale of instant bingo or electronic instant bingo of more than two hundred fifty thousand dollars or an adjusted amount generated in a calendar year:

(i) A minimum of fifty per cent shall be distributed to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(ii) Five per cent may be distributed for the organization's own charitable purposes or to a community action agency.

(iii) Forty-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, as defined in division (GG) of section 2915.01 of the Revised Code, in conducting the instant bingo or electronic instant bingo game.

(2) If a veteran's organization, a fraternal organization, or a sporting organization does not distribute the full percentages specified in divisions (A) (1)(a) and (b) of this section for the purposes specified in those divisions, the organization shall distribute the balance of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo not distributed or retained for those purposes to an organization described in division (V)(1) of section 2915.01 of the Revised Code.

(B) If a charitable organization other than a veteran's organization, a fraternal organization, or a sporting organization conducted the instant bingo or electronic instant bingo, the organization shall distribute one hundred per cent of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the

federal government, the state, or any political subdivision.

(C) Nothing in this section prohibits a veteran's organization, a fraternal organization, or a sporting organization from distributing any net profit from the proceeds of the sale of instant bingo or electronic instant bingo to an organization that is described in subsection 501(c)(3) of the Internal Revenue Code when the organization that is described in subsection 501(c)(3) of the Internal Revenue Code is one that makes donations to other organizations and permits donors to advise or direct such donations so long as the donations comply with requirements established in or pursuant to subsection 501(c)(3) of the Internal Revenue Code.

Sec. 2915.12. (A) Sections 2915.07 to ~~2915.11~~ 2915.15 of the Revised Code do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for the purpose of amusement only if it complies with all of the requirements specified in either division (A)(1) or (2) of this section:

(1)(a) The participants do not pay any money or any other thing of value including an admission fee, or any fee for bingo cards or sheets, objects to cover the spaces, or other devices used in playing bingo, for the privilege of participating in the bingo game, or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game.

(b) All prizes awarded during the course of the game are nonmonetary, and in the form of merchandise, goods, or entitlements to goods or services only, and the total value of all prizes awarded during the game is less than one hundred dollars.

(c) No commission, wages, salary, reward, tip, donation, gratuity, or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.

(d) The bingo game is not conducted either during or within ten hours of any of the following:

(i) A bingo session during which a charitable bingo game is conducted pursuant to sections 2915.07 to 2915.11 of the Revised Code;

(ii) A scheme or game of chance, or bingo described in division (O) (2) of section 2915.01 of the Revised Code.

(e) The number of players participating in the bingo game does not exceed fifty.

(2)(a) The participants do not pay money or any other thing of value as an admission fee, and no participant is charged more than twenty-five cents to purchase a bingo card or sheet, objects to cover the spaces, or other devices used in playing bingo.

(b) The total amount of money paid by all of the participants for

bingo cards or sheets, objects to cover the spaces, or other devices used in playing bingo does not exceed one hundred dollars.

(c) All of the money paid for bingo cards or sheets, objects to cover spaces, or other devices used in playing bingo is used only to pay winners monetary and nonmonetary prizes and to provide refreshments.

(d) The total value of all prizes awarded during the game does not exceed one hundred dollars.

(e) No commission, wages, salary, reward, tip, donation, gratuity, or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.

(f) The bingo game is not conducted during or within ten hours of either of the following:

(i) A bingo session during which a charitable bingo game is conducted pursuant to sections 2915.07 to ~~2915.14~~ 2915.15 of the Revised Code;

(ii) A scheme of chance or game of chance, or bingo described in division (O)(2) of section 2915.01 of the Revised Code.

(g) All of the participants reside at the premises where the bingo game is conducted.

(h) The bingo games are conducted on different days of the week and not more than twice in a calendar week.

(B) The attorney general or any local law enforcement agency may investigate the conduct of a bingo game that purportedly is conducted for purposes of amusement only if there is reason to believe that the purported amusement bingo game does not comply with the requirements of either division (A)(1) or (2) of this section. A local law enforcement agency may proceed by action in the proper court to enforce this section if the local law enforcement agency gives written notice to the attorney general when commencing the action.

Sec. 2915.13. (A) ~~A~~ Subject to the requirements of sections 2915.14 and 2915.15 of the Revised Code concerning electronic instant bingo, a veteran's organization, a fraternal organization, or a sporting organization authorized to conduct a bingo session pursuant to sections 2915.01 to 2915.12 of the Revised Code this chapter may conduct instant bingo, electronic instant bingo, or both other than at a bingo session under a type III license issued under section 2915.08 of the Revised Code if all of the following apply:

(1) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo or electronic instant bingo to twelve hours during any day, provided that the sale does not begin earlier

than ten a.m. and ends not later than two a.m.

(2) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo or electronic instant bingo to its own premises and to its own members and invited guests.

(3) The veteran's organization, fraternal organization, or sporting organization is raising money for an organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state and executes a written contract with that organization as required in division (B) of this section.

(B) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to division (A) of this section is raising money for another organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state, the veteran's organization, fraternal organization, or sporting organization shall execute a written contract with the organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state in order to conduct instant bingo or electronic instant bingo. That contract shall include a statement of the percentage of the net proceeds that the veteran's, fraternal, or sporting organization will be distributing to the organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state.

(C)(1) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to division (A) of this section has been issued a liquor permit under Chapter 4303. of the Revised Code, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization, fraternal organization, or sporting organization violates a provision of this chapter.

(2) No veteran's organization, fraternal organization, or sporting organization that enters into a written contract pursuant to division (B) of this section shall violate any provision of this chapter or permit, aid, or abet any other person in violating any provision of this chapter.

(D) A veteran's organization, fraternal organization, or sporting organization shall give all required proceeds earned from the conduct of instant bingo or electronic instant bingo to the organization with which the veteran's organization, fraternal organization, or sporting organization has entered into a written contract.

(E) Whoever violates this section is guilty of illegal instant bingo or electronic instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo or electronic instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo or electronic instant bingo conduct is a felony of the fifth degree.

Sec. 2915.14. (A) No charitable organization shall conduct electronic instant bingo unless all of the following are true:

(1) The organization is a veteran's organization described in division (J) of section 2915.01 of the Revised Code, or is a fraternal organization described in division (L) of section 2915.01 of the Revised Code, and the organization qualified as a veteran's organization or fraternal organization, as applicable, on or before June 30, 2021.

(2) The organization is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code or is, and has received from the internal revenue service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), and is described in subsection 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code.

(3) The organization has not conducted a raffle in violation of division (B) of section 2915.092 of the Revised Code using an electronic raffle machine, as described in Ohio Veterans and Fraternal Charitable Coalition v. DeWine, Case No. 13-CV-13610 (C.P. Franklin Co. February 23, 2018), at any time on or after January 1, 2022.

(B) No charitable organization that conducts electronic instant bingo shall do any of the following:

(1) Possess an electronic instant bingo system that was not obtained in accordance with this chapter or with any rule adopted under this chapter:

(2) Conduct electronic instant bingo on any day, at any time, or on any premises not specified on the organization's type II or type III license issued under section 2915.08 of the Revised Code;

(3) Hold more than one valid license to conduct electronic instant

bingo at any one time;

(4) Conduct electronic instant bingo on more than one premises or on any premises other than the charitable organization's principal place of business;

(5) Operate more than ten electronic bingo systems at the premises on which the charitable organization conducts electronic instant bingo under its license;

(6) Fail to display both of the following conspicuously at the premises on which the charitable organization conducts electronic instant bingo:

(a) The charitable organization's bingo license;

(b) The serial number of each deal of electronic instant bingo tickets being sold.

(7) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play electronic instant bingo;

(8) Sell or provide to any person an electronic instant bingo ticket for a price different from the price displayed on the game flare for that deal, except that the charitable organization may give a participant who wins an electronic instant bingo game an electronic instant bingo ticket as a prize in place of a cash prize;

(9) Fail, once an electronic instant bingo deal is begun, to continue to sell tickets in that deal until all prizes have been awarded;

(10) Permit any person whom the organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of electronic instant bingo;

(11) Permit a bingo game operator to play electronic instant bingo;

(12)(a) Except as otherwise provided in division (B)(12)(b) of this section, pay compensation to a bingo game operator for conducting electronic instant bingo.

(b) Division (B)(12)(a) of this section does not prohibit an employee of a veteran's organization or fraternal organization from redeeming electronic instant bingo tickets or vouchers for the organization's members or invited guests, so long as no portion of the employee's compensation is paid from any bingo receipts.

(13) Pay consulting fees to any person in relation to electronic instant bingo.

(C) No person shall sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this state

unless the electronic instant bingo system has been approved under section 2915.15 of the Revised Code.

(D) The attorney general shall adopt rules under Chapter 119. of the Revised Code to ensure the integrity of electronic instant bingo, including, but not limited to, rules governing all of the following:

(1) The requirements to receive a license or endorsement to conduct electronic instant bingo;

(2) The location and number of electronic instant bingo systems in use, which shall not exceed ten at the single licensed location per organization;

(3) The times when electronic instant bingo may be offered;

(4) Signage requirements in facilities where electronic instant bingo is offered;

(5) Electronic instant bingo device and system specifications, including reveal features and game themes;

(6) Procedures and standards for the review, approval, inspection, and monitoring of electronic instant bingo systems, as described in section 2915.15 of the Revised Code;

(7) Procedures and standards for the review and approval of any changes to technology, systems, or games licensed or permitted under this chapter;

(8) The fees to be charged under section 2915.15 of the Revised Code for review, approval, inspection, and monitoring of electronic instant bingo systems;

(9) Procedures allowing the attorney general to seek a summary suspension of a license to conduct electronic instant bingo or a license to manufacture or distribute electronic instant bingo systems if the attorney general has good cause to believe that the person or organization licensed to conduct electronic instant bingo, or the person or organization licensed to manufacture or distribute electronic instant bingo systems, or any of the organization's employees, officers, directors, agents, representatives, or partners, has violated this chapter or a rule adopted under this chapter.

(E) Whoever knowingly violates division (A), (B), or (C) of this section or a rule adopted under division (D) of this section is guilty of illegal electronic instant bingo conduct. Illegal electronic instant bingo conduct is a misdemeanor of the first degree, except that if the offender previously has been convicted of a violation of division (A) or (B) of this section or of a rule adopted under division (D) of this section, illegal instant bingo conduct is a felony of the fifth degree.

Sec. 2915.15. (A)(1) Before selling, offering to sell, or otherwise

providing or offering to provide an electronic instant bingo system to any person for use in this state, a manufacturer shall submit the electronic instant bingo system to an independent testing laboratory that is licensed by the state lottery commission under section 3770.02 of the Revised Code, or that is certified under section 3772.31 of the Revised Code, for testing and evaluation to determine whether the electronic instant bingo system meets the requirements of this chapter and of rules adopted under this chapter. The manufacturer shall pay all costs of that testing and evaluation.

(2) If the independent testing laboratory certifies that the electronic instant bingo system meets the requirements of this chapter and of rules adopted under this chapter, the manufacturer may submit the electronic instant bingo system, along with a copy of the laboratory's certification and a fee established by the attorney general by rule under Chapter 119. of the Revised Code, to the attorney general for review and approval. The manufacturer also shall submit a fee established by the attorney general by rule under Chapter 119. of the Revised Code, which the attorney general shall use to pay the cost of reviewing and approving electronic instant bingo systems under division (A) of this section.

(3) The attorney general shall approve the system for use in this state if the attorney general determines that the electronic instant bingo system meets the requirements of this chapter and of the rules adopted under this chapter. The attorney general shall consult the Ohio casino control commission for assistance in determining whether an electronic instant bingo system is prohibited for use under this chapter on the ground that it is a slot machine.

(4) An electronic instant bingo system shall be verified and sealed by the attorney general before the electronic instant bingo system is placed into service.

(5) Before an electronic instant bingo system is removed from service, the attorney general's seal shall be removed by the attorney general's designee. If the seal is removed after an electronic instant bingo system is sealed by the attorney general but before the electronic instant bingo system is placed into service, or if the seal is removed before an electronic instant bingo system is removed from service, or if the seal is removed by someone other than the attorney general's designee, the electronic instant bingo system shall be returned to an independent testing laboratory described in division (A)(1) of this section.

(B) Any electronic instant bingo system approved for use in this state shall have a central server located in Ohio which is accessible to the attorney general and shall include an internal report management system that records information concerning the operation of the system and that meets the requirements adopted by the attorney general by rule under Chapter 119. of

the Revised Code. The internal report management system shall permit the attorney general or another person designated by the attorney general to access the internal report management system, monitor the electronic instant bingo system, and remotely deactivate the electronic instant bingo system or any aspect of the system.

(C) The attorney general may inspect any electronic instant bingo system in use in this state at any time to ensure that the system is in compliance with this chapter and with the rules adopted under this chapter. If the attorney general determines that any person or any electronic instant bingo system is in violation of any provision of this chapter or of any rule adopted under this chapter, the attorney general may order that the violation immediately cease and may deactivate the electronic instant bingo system or any aspect of it.

(D) The attorney general may establish by rule adopted under Chapter 119. of the Revised Code an annual fee to be paid by distributors licensed under section 2915.081 of the Revised Code who have electronic instant bingo distributor endorsements to their licenses in order to pay the cost of monitoring the systems under division (B) of this section and the cost of inspecting systems under division (C) of this section."

In line 51789, after the comma insert "or an electronic instant bingo system."

In line 80548, after "109.112," insert "109.32,"

In line 80577, after "2746.04," insert "2915.01, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091,"; after "2915.092," insert "2915.093, 2915.095, 2915.10, 2915.101, 2915.12, 2915.13,"

In line 80720, after "1561.23," insert "2915.081, 2915.082,"

After line 100411, insert:

"Section 803____. The Attorney General shall begin to accept applications for licenses to conduct electronic instant bingo under Chapter 2915. of the Revised Code, as amended by this act, on January 1, 2022, and shall begin to issue those licenses on April 1, 2022."

In line 65 of the title, after "3317.26," insert "3318.038,"

In line 282, after "3317.26," insert "3318.038,"

After line 40788, insert:

"Sec. 3318.038. (A) As used in this section:

(1) "Drinking fountain" means a fountain to which all of the following apply:

(a) The fountain is designed to allow an individual to drink from the fountain.

(b) The fountain dispenses filtered, clean drinking water.

(c) The fountain is equipped with a protective cowl.

(d) The fountain is equipped with a water spout at least one inch above the overflow rim of the fountain.

(2) "Water bottle filling station" means a station to which ~~both~~ all of the following apply:

(a) The station is designed to fill a bottle with water.

(b) The station dispenses filtered, clean drinking water.

(c) The station is accessible to all people in compliance with the "Americans With Disabilities Act of 1990," 42 U.S.C. 12101 et seq.

(d) The station may be integrated into a drinking fountain as a combination unit.

(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.

(E) The requirements of this section are in addition to the

requirements of Chapters 3781. and 3791. of the Revised Code and any rule adopted pursuant to those chapters."

In line 80594, after "3317.26," insert "3318.038,"

In line 159 of the title, delete "3318.51,"

In line 351, delete "3318.51,"

Delete lines 40789 through 40950

In line 56 of the title, delete "3314.029,"

In line 57 of the title, delete "3314.037,"

In line 60 of the title, delete "3314.271,"; delete "3314.38,"

In line 121 of the title, delete "5502.262,"

In line 275, delete "3314.029,"

In line 276, delete "3314.037,"

In line 278, delete "3314.271,"; delete "3314.38,"

In line 323, delete "5502.262,"

Delete lines 34853 through 35015

Reinsert lines 35082 through 35085

In line 35086, reinsert "(d)"

In line 35104, reinsert "(e)" and delete "(d)"

In line 35106, reinsert "(f)" and delete "(e)"

In line 35136, reinsert "(g)" and delete "(f)"

In line 35142, reinsert "(h)" and delete "(g)"

In line 35145, reinsert "(i)" and delete "(h)"

In line 35152, reinsert "(j)" and delete "(i)"

In line 35158, reinsert "(k)" and delete "(j)"

In line 35165, reinsert "(l)" and delete "(k)"

Delete lines 35444 through 35452

Delete lines 36724 through 36747

Delete lines 36775 through 36807

Delete lines 70918 through 71078

In line 80588, delete "3314.029,"; delete "3314.037,"

In line 80590, delete "3314.271,"; delete "3314.38,"

In line 80635, delete "5502.262,"

In line 86842, delete "\$62,500,000 \$62,500,000" and insert "\$42,000,000 \$42,000,000"

In line 86843, subtract \$20,500,000 from each fiscal year

In line 86873, subtract \$20,500,000 from each fiscal year

In line 89513, delete "\$750" and insert "\$500"

In line 20 of the title, after "166.27," insert "167.03,"

In line 248, after "166.27," insert "167.03,"

After line 13339, insert:

"Sec. 167.03. (A) The council shall have the power to:

(1) Study such area governmental problems common to two or more members of the council as it deems appropriate, including but not limited to matters affecting health, safety, welfare, education, economic conditions, and regional development;

(2) Promote cooperative arrangements and coordinate action among its members, and between its members and other agencies of local or state governments, whether or not within Ohio, and the federal government;

(3) Make recommendations for review and action to the members and other public agencies that perform functions within the region;

(4) Promote cooperative agreements and contracts among its members or other governmental agencies and private persons, corporations, or agencies;

(5) Operate a public safety answering point in accordance with Chapter 128. of the Revised Code;

(6) Perform planning directly by personnel of the council, or under contracts between the council and other public or private planning agencies.

(B) The council may:

(1) Review, evaluate, comment upon, and make recommendations, relative to the planning and programming, and the location, financing, and scheduling of public facility projects within the region and affecting the development of the area;

(2) Act as an areawide agency to perform comprehensive planning for the programming, locating, financing, and scheduling of public facility projects within the region and affecting the development of the area and for other proposed land development or uses, which projects or uses have public metropolitan wide or interjurisdictional significance;

(3) Act as an agency for coordinating, based on metropolitan wide comprehensive planning and programming, local public policies, and activities affecting the development of the region or area.

(C) The council may, by appropriate action of the governing bodies of the members, perform such other functions and duties as are performed or capable of performance by the members and necessary or desirable for

dealing with problems of mutual concern.

(D) The authority granted to the council by this section or in any agreement by the members thereof shall not displace any existing municipal, county, regional, or other planning commission or planning agency in the exercise of its statutory powers.

(E) A council, with an educational service center as its fiscal agent, that is established to provide health care benefits to the council members' officers and employees and their dependents may ~~contract~~ do either of the following:

(1) Contract to administer and coordinate a self-funded health benefit program of a nonprofit corporation organized under Chapter 1702. of the Revised Code. A council operating a program under this division (E)(1) of this section that does not act as an administrator as defined in section 3959.01 of the Revised Code does not constitute engaging in the business of insurance and is not subject to the insurance laws of this state.

(2)(a) Acquire, establish, manage, or operate a separate business entity, including a corporation, company, organization, partnership, or trust, and utilize its unencumbered reserve funds in the acquisition, establishment, management, or operation of the business entity to the extent approved by the council's governing board and so long as the council remains sufficiently reserved, in the exercise of sound and prudent actuarial judgment, to cover the potential cost of health care benefits for the council members' officers and employees and their dependents.

(b) Where the business operations or services provided through the separate business entity constitutes engaging in the business of insurance or are otherwise subject to the insurance laws of this state, the business entity shall comply with any requirements set forth in Title XVII or Title XXXIX of the Revised Code and any other sections of the Revised Code or Administrative Code that are applicable to the business entity, and the exclusions from the requirements set forth in the Revised Code and Administrative Code that apply to the self-insurance program of the council under division (C) of section 9.833 of the Revised Code shall not apply to any such business entity or the services it offers."

In line 80560, after "166.27," insert "167.03,"

After line 86807a, insert:

"GRF 200478 Industry-Recognized \$20,500,000 \$20,500,000"

Credentials High

School Students

In line 86821, add \$20,500,000 to each fiscal year

In line 86873, add \$20,500,000 to each fiscal year

After line 87419, insert:

**"Section 265.145. INDUSTRY-RECOGNIZED CREDENTIALS
HIGH SCHOOL STUDENTS**

Of the foregoing appropriation item 200478, Industry-Recognized Credentials High School Students, up to \$8,000,000 in each fiscal year may be used by the Department of Education to support payments to city, local, and exempted village school districts, community schools, STEM schools, and joint vocational school districts whose students earn an industry-recognized credential or receive a journeyman certification recognized by the United States Department of Labor in the school year preceding the fiscal year in which the funds are appropriated. The educating entity shall be required to inform students enrolled in career-technical education courses that lead to an industry-recognized credential about the opportunity to earn these credentials. The Department of Education shall work with the Department of Higher Education and the Governor's Office of Workforce Transformation to develop a schedule for reimbursement based on the testing fees for credentials included on the Department of Education's list of industry-recognized credentials. The educating entity shall pay for the cost of the credential and may claim and receive reimbursement for these testing fees. The educating entity may claim reimbursement for testing fees incurred on behalf of a student that earns a credential up to six months after the student has graduated from high school. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Of the foregoing appropriation item 200478, Industry-Recognized Credentials High School Students, up to \$12,500,000 in each fiscal year may be used by the Department of Education and the Governor's Office of Workforce Transformation to establish and operate the Innovative Workforce Incentive Program. In establishing the program, the Office of Workforce Transformation shall maintain a list of credentials that qualify for the program. The Department of Education shall pay each city, local, and exempted village school district, community school, STEM school, and joint vocational school district an amount equal to \$1,250 for each qualifying credential a student attending the district or school earned in the school year preceding the fiscal year in which the funds are appropriated. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded."

In line 155 of the title, after "3301.85," insert "3302.043,"

In line 348, after "3301.85," insert "3302.043,"

After line 29446, insert:

"Sec. 3302.043. (A) As used in this section, "eligible district" means a city school district to which both of the following apply:

(1) The district has persistently low performance ratings, as determined by the department of education, under section 3302.03 of the Revised Code.

(2) The district is not subject to an academic distress commission under section 3302.10 of the Revised Code.

(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.

(C) The department shall adopt criteria under which to approve a proposal for a career promise academy, which shall include all of the following:

(1) A requirement that the career promise academy operate as follows:

(a) For four consecutive weeks in the summer of 2021;

(b) For five consecutive weeks in the summer of 2022.

(2) A requirement that not more than seventy-five students participate in the career promise academy in one summer;

(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;

(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.

(5) A description of the instruction and internship or mentoring experiences that participating students will receive;

(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;

(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.

(D) The department shall adopt guidelines and procedures to operate the pilot program established under this section."

In line 86858, delete "\$50,000,000 \$75,000,000" and insert "\$50,250,000 \$75,250,000"

In line 86872, add \$250,000 to each fiscal year

In line 86873, add \$250,000 to each fiscal year

After line 89545, insert:

"(A) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, \$250,000 in each fiscal year shall be used to support the Career Promise Academy Summer Demonstration Pilot Program established under section 3302.043 of the Revised Code. The Department of Education shall support this set-aside using the state activity funds provided under Title III, Sec. 313(e) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260."

In line 89546, delete "The" and insert "(B) The remainder of the"

In line 89553, delete everything after "the"

In line 89554, delete "School Relief," and insert "amount allocated in this division"

In line 100446, after "Sections" insert "3302.043,"

In line 86804, delete "\$3,207,740 \$3,207,740" and insert "\$3,457,740 \$3,457,740"

In line 86821, add \$250,000 to each fiscal year

In line 86873, add \$250,000 to each fiscal year

In line 87341, after "(F)" insert "Of the foregoing appropriation item 200448, Educator Preparation, \$250,000 in each fiscal year shall be used to support regionally tailored professional development and strategic training for teachers in STEM fields through the PAST Foundation's STEM Educator Professional Development Collaborative.

(G)"

In line 87347, after the period insert "Not later than July 1, 2022, the Department of Education shall conduct a study on the efficacy and results of services and training provided to parents and teachers through the PLAY Project and shall submit a report of its findings to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Director of the Legislative Service Commission."

In line 87348, delete "(G)" and insert "(H)"

In line 87353, delete the first "(H)" and insert "(I)"

After line 89787, insert:

"Section 265. __. Not later than January 1, 2023, the Department of Education, in consultation with the Department of Higher Education, shall conduct a study on the results and cost-effectiveness of the College Credit Plus Program, established under Chapter 3365. of the Revised Code, and submit a report of its findings to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Director of the Legislative Service Commission. The study shall include the cost-effectiveness for secondary schools and participants under the program, as well as whether participants in the program save money on college tuition and reduce the amount of time to degree completion."

Delete lines 42618 through 42623

In line 52 of the title, after "3313.6011," insert "3313.6013,"

In line 272, after "3313.6011," insert "3313.6013,"

After line 32429, insert:

"Sec. 3313.6013. (A) As used in this section, "advanced standing program" means a program that enables a student to earn credit toward a degree from an institution of higher education while enrolled in high school or that enables a student to complete coursework while enrolled in high school that may earn credit toward a degree from an institution of higher education upon the student's attainment of a specified score on an examination covering the coursework. Advanced standing programs may include any of the following:

(1) The college credit plus program established under Chapter 3365. of the Revised Code;

(2) Advanced placement courses;

(3) International baccalaureate diploma courses;

(4) Early college high school programs.

(B) Each city, local, exempted village, and joint vocational school district and each chartered nonpublic high school shall provide students enrolled in grades nine through twelve with the opportunity to participate in an advanced standing program. For this purpose, each school district and chartered nonpublic high school shall offer at least one advanced standing program in accordance with division (B)(1) or (2) of this section, as applicable.

(1) A city, local, or exempted village school district meets the requirements of this division through its mandatory participation in the college credit plus program established under Chapter 3365. of the Revised Code. However, a city, local, or exempted village school district may offer

any other advanced standing program, in addition to the college credit plus program, and each joint vocational school district shall offer at least one other advanced standing program, to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of education.

(2) A chartered nonpublic high school that elects to participate in the college credit plus program established under Chapter 3365. of the Revised Code meets the requirements of this division. Each chartered nonpublic high school that elects not to participate in the college credit plus program instead shall offer at least one other advanced standing program to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of education.

(C) Each school district and each chartered nonpublic high school, at least annually, shall provide information about the advanced standing programs offered by the district or school to all students enrolled in grades six through eleven. The district or school shall include information about all of the following:

(1) The process colleges and universities use in awarding credit for advanced placement and international baccalaureate courses and examinations, including minimum scores required by state institutions of higher education, as defined in section 3345.011 of the Revised Code, for a student to receive college credit;

(2) The availability of tuition and fee waivers for advanced placement and international baccalaureate courses and examinations;

(3) The availability of online advanced placement or international baccalaureate courses, including those that may be available at no cost;

(4) The benefits of earning postsecondary credit through advanced placement or international baccalaureate courses;

(5) The availability of advanced placement or international baccalaureate courses offered throughout the district.

The district or school may include additional information as determined appropriate by the district or school.

(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 of study toward a post-secondary degree or credential at no cost to the participant or participant's family. The program also shall prioritize the following students:

(a) Students who are underrepresented in regard to completing post-secondary education;

(b) Students who are economically disadvantaged, as defined by the department of education;

(c) Students whose parents did not earn a college degree."

In line 80584, after "3313.6011," insert "3313.6013,"

In line 63 of the title, delete "3317.06,"

In line 281, delete "3317.06,"

Delete lines 39835 through 40092

In line 40158, reinsert "thirty" and delete "ninety"

In line 40164, delete everything after the period

Delete lines 40165 and 40166

In line 40167, delete "Revised Code."

In line 40175, delete "from the auxiliary services"

Delete lines 40176

In line 40177, delete "Code"

In line 40250, reinsert "By the"

Reinsert lines 40251 through 40260

Delete lines 87490 through 87494

In line 32928, strike through "Attaining" and insert "In lieu of the American history and American government end-of-course examinations, attaining"

In line 32929, strike through "appropriate" and insert "either:

(i) An American history course and an American government course that are offered by the student's high school;

(ii) Appropriate"

In line 32931, strike through everything after "Code"

In line 32932, strike through everything before the period

In line 32963, strike through "Attaining" and insert "In lieu of the science end-of-course examination, attaining"

In line 32964, strike through "an" and insert "either:

(i) A science course listed in divisions (C)(5)(c)(i) to (iii) of section 3313.603 of the Revised Code that is offered by the student's high school;

(ii) An"

In line 32966, strike through "in lieu of the science end-of-course examination"

In line 63435, reinsert "(C)(1)"; after "~~except~~" insert "Except" and reinsert the balance of the line

Reinsert lines 63436 through 63455

Delete lines 86881 through 87104 and insert:

"The Department of Education shall distribute the foregoing appropriation item 200408, Early Childhood Education, to pay the costs of early childhood education programs. The Department shall distribute such funds directly to qualifying providers.

(A) As used in this section:

(1) "Provider" means a city, local, exempted village, or joint vocational school district; an educational service center; a community school established under Chapter 3314. of the Revised Code that is sponsored by an exemplary sponsor; notwithstanding anything to the contrary in Chapter 3326. of the Revised Code, a STEM school that is established under that chapter; a chartered nonpublic school; an early childhood education child care provider licensed under Chapter 5104. of the Revised Code that participates in and meets at least the third highest tier of the Step Up to

Quality program established pursuant to section 5104.29 of the Revised Code; or a combination of entities described in this paragraph.

(2) In the case of a city, local, or exempted village school district or early childhood education child care provider licensed under Chapter 5104. of the Revised Code, "new eligible provider" means a provider that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(3) In the case of a community school, "new eligible provider" means either of the following:

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria:

(i) It has received, on its most recent report card, either of the following:

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code.

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code.

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year.

(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 web site, regarding early childhood education programs operated under this section and the early learning program standards.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2022, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 265.20 of H.B. 166 of the 133rd General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs or to existing providers to serve more eligible children pursuant to division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2023, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

(E)(1) The Department shall distribute any new or remaining funding to existing providers of early childhood education programs or any new eligible providers in an effort to invest in high quality early childhood programs where there is a need as determined by the Department. The Department shall distribute the new or remaining funds to existing providers

of early childhood education programs or any new eligible providers to serve additional eligible children based on community economic disadvantage, limited access to high quality preschool or childcare services, and demonstration of high quality preschool services as determined by the Department using new metrics developed pursuant to Ohio's Race to the Top—Early Learning Challenge Grant, awarded to the Department in December 2011.

(2) Awards under divisions (D) and (E) of this section shall be distributed on a per-pupil basis, and in accordance with division (I) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the first day of December or the business day closest to that date equals the amount allocated under this section.

(F) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (K) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program standards. The approved provider shall administer and use such property and funds for the purposes specified.

(G) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (F) of this section, or if the program fails to substantially meet the early learning program standards, meet a quality rating level in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code as prescribed by the Department, or exhibits below average performance as measured against the standards, the early childhood education program shall propose and implement a corrective action plan that has been approved by the Department. The approved corrective action plan shall be signed by the chief executive officer and the executive of the official governing body of the provider. The corrective action plan shall include a schedule for monitoring by the Department. Such monitoring may include monthly reports, inspections, a timeline for correction of deficiencies, and technical assistance to be provided by the Department or obtained by the early childhood education program. The Department may withhold funding pending corrective action. If an early childhood education program fails to satisfactorily complete a corrective action plan, the Department may deny

expansion funding to the program or withdraw all or part of the funding to the program and establish a new eligible provider through a selection process established by the Department.

(H)(1) If the early childhood education program is licensed by the Department of Education and is not highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall do all of the following:

(a) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;

(b) Align curriculum to the early learning content standards developed by the Department;

(c) Meet any child or program assessment requirements prescribed by the Department;

(d) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department;

(e) Document and report child progress as prescribed by the Department;

(f) Meet and report compliance with the early learning program standards as prescribed by the Department;

(g) Participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code.

(2) If the program is highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program.

(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special education program, the provider may submit a waiver to the Department requesting an alternate

schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department may reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule.

(J) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn 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, for the early childhood education program.

The Department shall conduct an annual survey of each provider to determine whether the provider charges families tuition or fees, the amount families are charged relative to family income levels, and the number of families and students charged tuition and fees for the early childhood program.

(K) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program standards, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department for new grant awards or expansion grants. The Department may award new grants or expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the selection process established by the Department.

(L) Eligible expenditures for the Early Childhood Education Program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) The Department of Education and the Department of Job and Family Services shall continue to work toward establishing the following in common between early childhood education programs and publicly funded child care:

- (a) An application;
- (b) Program eligibility;
- (c) Funding;
- (d) An attendance policy;
- (e) An attendance tracking system.

(2) In accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.

(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this division."

In line 87590, after the comma insert "participate in the Step Up to Quality Program established pursuant to section 5104.29 of the Revised Code,"

In line 87593, after the period insert "All programs shall be rated through the Step Up to Quality Program."

Delete lines 91499 through 91570 and insert:

"Section 307.250. (A) There is hereby established a study committee to evaluate all of the following regarding both 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) The number of child care providers licensed by the Ohio Department of Job and Family Services;

(4) Funding sources for both publicly funded child care and the Step Up to Quality Program;

(5) The long-term sustainability of those funding sources;

(6) Eligibility levels for publicly funded child care, including the levels at which families may lose their eligibility;

(7) Issues regarding access to publicly funded child care and quality-rated early learning and development programs;

(8) The administrative burdens that result from obtaining and maintaining a quality rating;

(9) Alternative criteria by which a child day-care center or family day-care home that enrolls a low census of children receiving publicly funded child care may obtain a one-star rating in the Step Up to Quality Program;

(10) The manner in which the Department of Job and Family

Services establishes reimbursement ceilings for publicly funded child care, including through the use of market rate surveys.

(B) The committee shall consist of all of the following members:

(1) The Director of the Ohio Department of Job and Family Services or the Director's designee who has experience in child care oversight;

(2) The Superintendent of Public Instruction or the Superintendent's designee who has experience in child care or early childhood education;

(3) Two directors of a county department of job and family services, one appointed by the Senate President and one appointed by the Speaker of the House of Representatives, each with experience in publicly funded child care oversight;

(4) A home-based child care provider providing publicly funded child care appointed by the Senate President;

(5) A center-based child care provider providing publicly funded child care appointed by the Speaker of the House of Representatives;

(6) A representative of the Ohio Society of Certified Public Accountants appointed by the Speaker of the House of Representatives;

(7) Two representatives, each from a child care advocacy organization, one appointed by the Senate President and one appointed by the Speaker of the House of Representatives;

(8) A representative of the business community appointed by the Senate President;

(9) Three members of the Senate, not more than two from the same party, each appointed by the Senate President;

(10) Three members of the House of Representatives, not more than two from the same party, each appointed by the Speaker of the House of Representatives.

The Senate President shall appoint one of the members described in division (B)(9) of this section to serve as the committee's co-chairperson. The Speaker of the House of Representatives shall appoint one of the members described in division (B)(10) of this section to serve as the committee's other co-chairperson.

The appointments required by this section shall be made not later than thirty days after the effective date of this section.

Members shall serve without compensation.

If a member appointed to the committee no longer satisfies the grounds upon which the member was appointed, the member is ineligible to continue to serve on the committee and a new member shall be appointed in accordance with division (B) of this section.

(C)(1) To evaluate the issues described in division (A) of this section, the committee shall meet at the call of the co-chairpersons, with the first meeting to be held not later than thirty days after appointments have been made. The committee shall hold hearings to receive testimony from the public and relevant state agencies and boards.

(2) Not later than December 31, 2021, the committee shall evaluate and recommend alternative criteria by which a child day-care center or family day-care home that enrolls a low census of children receiving publicly funded child care may obtain a one-star rating in the Step Up to Quality Program.

The committee may issue reports as necessary and shall issue a final report with any findings or recommendations not later December 1, 2022.

Any report issued by the study committee is nonbinding and shall be considered only as a recommendation.

The committee shall provide a copy of each report it issues to the Governor and to the Ohio General Assembly and Ohio Legislative Service Commission in accordance with division (B) of section 101.68 of the Revised Code.

(3) The staff of the Legislative Service Commission shall provide services to the committee.

(D) This section expires on the adjournment of the 134th General Assembly."

Delete lines 91596 through 91608 and insert:

"(A) In the event "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260, funds not previously appropriated by the General Assembly, including through Controlling Board or as part of S.B. 109 of the 134th General Assembly, remain available, the Department of Job and Family Services shall use the funds to assist with stabilizing and sustaining the child care program, improve workforce recruitment and retention, and increase access for families.

(B) In the event Ohio receives federal Child Care Development Fund (CCDF) supplemental discretionary funds from the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, the Department of Job and Family Services shall use the funds to assist with stabilizing and sustaining the child care program, improve workforce recruitment and retention, and increase access for families."

After line 90503, insert:

"HEALTH DISTRICT STUDIES AND POPULATION HEALTH

The Department of Health shall use up to \$6,000,000 in fiscal year 2022, from existing non-General Revenue Fund appropriations, consistent

with federal law and guidelines, to conduct the studies required under section 3709.012 of the Revised Code. Any remaining funds for this purpose may be used to support local health departments' efforts to improve population health, based upon the findings and recommendations in Ohio's 2020-2022 State Health Improvement Plan, and to incentivize efficiencies among local health departments, including the use of shared services or the consolidation of local health departments that formally merge on or after July 1, 2021. Funding for mergers shall be distributed only after a formal merger agreement is signed by two or more local health departments and shared with the Department of Health. The funding shall be used to cover the costs related to the merger and to build capacity for the newly combined local health department in order to improve services to the public and the health of all residents. A portion of this funding may also be used to support pre-merger analysis and planning for departments not impacted by section 3709.012 of the Revised Code that are interested in a merger. The Director of Health shall seek Controlling Board approval before any funds can be expended for these purposes."

In line 145 of the title, after "122.4098," insert "122.851,"

In line 341, after "122.4098," insert "122.851,"

After line 7915 insert:

"Sec. 122.851. (A) As used in this section:

(1) "Venture capital operating company" has the same meaning as in 29 C.F.R. 2510.3-101.

(2) "Ohio venture capital operating company" means a venture capital operating company certified by the director of development as having met the requirements prescribed by division (B) of this section. A venture capital operating company is an Ohio venture capital operating company only for so long as the certification is valid.

(3) "Ohio business" means a business that, in either the calendar year in which a capital gain from the business is recognized by the Ohio venture capital operating company or its direct or indirect investors or the calendar year in which the Ohio venture capital operating company distributes an equity interest or security in the business, has its headquarters in this state and employs more than one-half of the total number of its full-time equivalent employees in this state. For the purpose of this section, an employee is employed in this state if the business is required to withhold income tax under section 5747.06 of the Revised Code for fifty per cent or more of the compensation paid to the employee in either the calendar year in which the Ohio venture capital operating company or its direct or indirect investors recognize a capital gain from the business or the calendar year in which the Ohio venture capital operating company distributes an equity interest or security in the business, as applicable.

(4) "Qualifying interest" means a direct or indirect ownership interest acquired through an investment of cash or cash equivalent made in, or the provision of services to, a venture capital operating company during the period for which it was certified as an Ohio venture capital operating company.

(B)(1) A venture capital operating company may apply to the director of development for certification as an Ohio venture capital operating company if it manages, or has capital commitments of, at least fifty million dollars in active assets and at least two-thirds of its managing and general partners are residents of Ohio under division (I) of section 5747.01 of the Revised Code. The director, in consultation with the tax commissioner, shall prescribe the form and manner of the application and the information or documentation required to be submitted with the application.

(2) The director shall review and make a determination with respect to each application submitted under this division within sixty days of receipt. The director shall grant certification to any applicant that meets the criteria prescribed by this division. The director shall decline certification of any applicant that does not meet such criteria. The director shall notify the applicant and the tax commissioner of the director's determination in writing.

(C)(1) Certification as an Ohio venture capital operating company is valid for as long as the company continues to qualify as a venture capital operating company and meets the criteria prescribed by division (B)(1) of this section.

(2) A company that no longer qualifies as a venture capital operating company or no longer meets the criteria prescribed by division (B)(1) of this section shall notify the director within thirty days of the date the company ceases to qualify.

(3) Upon receiving such a notification or upon otherwise discovering that an Ohio venture capital operating company no longer qualifies for certification, the director shall issue a written notice of revocation to the venture capital operating company and the tax commissioner. The notice shall state the effective date of the revocation, which shall be the date the company ceased to qualify for certification as an Ohio venture capital operating company.

(4) An Ohio venture capital operating company receiving such a notice may contest the director's decision to revoke its certification or the effective date of that revocation by submitting additional information or documentation to the director and requesting reconsideration in writing within thirty days of the notice of revocation based on that information or documentation. The director shall review and evaluate any such requests within thirty days of receipt. The director shall notify the company and tax commissioner in writing of the director's decision on the request, which shall

not be subject to appeal or further review.

(D)(1) On or after the first day of January and on or before the first day of February of each year, a company that is certified as an Ohio venture capital operating company shall provide the following information, on forms prescribed by the director of development, to the director and the tax commissioner:

(a) The name, social security or federal employer identification number, and ownership percentage of each person with a qualifying interest in the company;

(b) The amount of capital gains generated during the portion of the previous calendar year during which the company was certified as an Ohio venture capital operating company;

(c) A description of the company's investments that generated the capital gains described in division (D)(1)(b) of this section, including the date of sale and whether the investment was in an Ohio business;

(d) The amount of, and basis in, any equity interests or securities distributed to each investor, arranged by entity, while the company was certified as an Ohio venture capital operating company and whether the entity is an Ohio business;

(e) Any other information the director, in consultation with the tax commissioner, considers relevant and necessary to administer the deduction allowed under division (A)(34) of section 5747.01 of the Revised Code.

(2) The director shall review the information submitted under division (D)(1) of this section by an Ohio venture capital operating company within sixty days of receipt. If the company generated capital gains that qualify for the deduction allowed under division (A)(34) of section 5747.01 of the Revised Code or distributed equity interests or securities that, when sold, will qualify for the deduction once income is recognized from its disposition, the director shall issue a certificate to the company. The certificate shall include a unique number and the following information:

(a) The total amount of capital gains generated during the portion of the year during which the company was certified as an Ohio venture capital operating company;

(b) The portion of the capital gains attributable to the company's investments in Ohio businesses; and

(c) The total amount of, and basis in, any equity interests or securities distributed during the portion of the year during which the company was certified as an Ohio venture capital operating company;

(d) The portion of the distributed equity interests or securities attributable to the company's investments in Ohio businesses;

(e) The portion of the amounts described in divisions (D)(2)(a) and (b) of this section attributable to each individual with a qualifying interest in the company;

(f) Any other information the director or tax commissioner considers necessary for the administration of the deduction allowed under division (A)(34) of section 5747.01 of the Revised Code.

(E) An Ohio venture capital operating company shall provide each person with a qualifying interest in the company with a copy of the certificate issued under division (D) of this section and any other documentation necessary to compute the adjustments under division (A)(34) of section 5747.01 of the Revised Code. A pass-through entity that receives a certificate issued under this division from an Ohio venture capital operating company shall provide its investors with a copy of the certificate and any other documentation necessary to compute the adjustments under division (A)(34) of section 5747.01 of the Revised Code.

A taxpayer claiming a deduction under division (A)(34)(a) of section 5747.01 of the Revised Code shall provide, upon request of the tax commissioner, a copy of that certificate. The taxpayer shall retain a copy of the certificate for four years from the later of the final filing date of the return on which the deduction was claimed or the date the return on which the deduction was claimed is filed.

(F) The director of development, in consultation with the tax commissioner, may adopt rules in accordance with Chapter 119. of the Revised Code as are necessary to administer this section."

In line 71397, after the first comma insert "tax deductions,"

In line 71406, after the first comma insert "tax deductions,"

After line 77145 insert:

"(34)(a) For taxable years beginning in or after 2026, deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year:

(i) One hundred per cent of the capital gain received by the taxpayer in the taxable year from a qualifying interest in an Ohio venture capital operating company attributable to the company's investments in Ohio businesses during the period for which the company was an Ohio venture operating company; and

(ii) Fifty per cent of the capital gain received by the taxpayer in the taxable year from a qualifying interest in an Ohio venture capital operating company attributable to the company's investments in all other businesses during the period for which the company was an Ohio venture operating company.

(b) Add amounts previously deducted by the taxpayer under division

(A)(34)(a) of this section if the director of development certifies to the tax commissioner that the requirements for the deduction were not met.

(c) All terms used in division (A)(34) of this section have the same meanings as in section 122.851 of the Revised Code.

(d) To the extent a capital gain described in division (A)(34)(a) of this section is business income, the taxpayer shall apply that division before applying division (A)(28) of this section."

In line 98184a, delete "64,791,245" and insert "67,567,245"

In line 98192a, delete "276,215,179" and insert "278,991,179"

In line 98196a, delete "322,983,929" and insert "325,759,929"

After line 98207 insert:

"Baileys Bike Trail \$2,000,000"

After line 98226 insert:

"Scranton Trail Project \$750,000"

After line 98477 insert:

"Sunny Lake Park Fishing Pier \$26,000"

In line 98507, delete "\$258,000,000" and insert "\$261,000,000"

In line 78 of the title, after "3701.61," insert "3701.613,"

In line 119 of the title, after "5167.10," insert "5167.16,"

In line 292, after "3701.61," insert "3701.613,"

In line 322, after "5167.10," insert "5167.16,"

In line 45554, strike through "also"

In line 45555, strike through "an infant or toddler" and insert "child"; strike through "three" and insert "five"

In line 45556, strike through "who" and insert "that"

After line 45635, insert:

"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;

(D) Present successes and challenges encountered by home visiting programs."

After line 70658, insert:

"Sec. 5167.16. (A) As used in this section:

(1) "Help me grow program" means the program established by the department of health pursuant to section 3701.61 of the Revised Code.

(2) "Targeted case management" has the same meaning as in 42 C.F.R. 440.169(b).

(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:

(1) Home visits, which shall include depression screenings, for which federal financial participation is available under the targeted case management benefit;

(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.

(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.

(D) If requested by a medicaid recipient eligible for the cognitive behavioral therapy covered under division (B)(2) of this section, the therapy shall be provided in the recipient's home. The medicaid managed care organization shall inform the medicaid recipient of the right to make the request and how to make it."

In line 80604 after "3701.61," insert "3701.613,"

In line 80634, after "5167.10," insert "5167.16,"

After line 86276, insert:

"In the biennium ending June 30, 2023, notwithstanding section 127.14 and division (B) of section 131.35 of the Revised Code, the Controlling Board may authorize expenditures, in excess of the amount appropriated, but not to exceed the limitation set in division (E) of section 131.35 of the Revised Code, using the Facilities Establishment Fund (Fund 7037) for purposes consistent with Chapter 166. of the Revised Code. The amounts authorized by the Controlling Board are hereby appropriated."

In line 21 of the title, delete "173.50,"

In line 249, delete "173.50,"

Delete lines 14400 through 14464

In line 80562, delete "173.50,"

In line 84655, delete the first "\$500,000" and insert "\$1,000,000"

In line 84670, add \$500,000 to fiscal year 2022

In line 84719, add \$500,000 to fiscal year 2022

In line 84721, after "**211.20.**" insert: "FARMLAND

PRESERVATION

Of the foregoing appropriation item 700409, Farmland Preservation, \$500,000 in fiscal year 2022 shall be used to purchase agricultural easements under division (A) of section 5301.691 of the Revised Code and provide matching grants under section 901.22 of the Revised Code to municipal corporations, counties, townships, and soil and water conservation districts established under Chapter 940. of the Revised Code, and charitable organizations described in division (B) of section 5301.69 of the Revised Code for the purchase of agricultural easements. Any purchases of agricultural easements using this funding are subject to approval from the Controlling Board."

In line 93806, delete "\$39,062,070" and insert "\$49,362,070"

In line 93833, add \$10,300,000 to fiscal year 2022

In line 93864, add \$10,300,000 to fiscal year 2022

In line 93909, delete "\$3,650,000" and insert "\$13,950,000"

In line 93910, after "to" delete the balance of the line

In line 93911, delete "operating costs for" and insert "purchase"; delete "prior" and insert "and pay operating costs for the facility pursuant to"

In line 93912, delete everything before "Section"

In line 93913, delete "\$3,650,000" and insert "\$13,950,000"

In line 93914, delete "for lease or mortgage payments" and insert "to purchase"

In line 93915, delete "Concurrence center" and insert "Conference Center"

In line 97415, delete "\$3,650,000" and insert "\$13,950,000"

In line 99176, delete "assume any outstanding"

Delete line 99177

In line 99178, delete "facility" and insert "purchase the facility for an amount that does not exceed the outstanding mortgage at the time of purchase"

In line 99180, delete everything after the period

Delete lines 99181 and 99182

In line 80 of the title, after "3709.07," insert "3713.02,"

In line 293, after "3709.07," insert "3713.02,"

After line 46122, insert:

"Sec. 3713.02. Subject to sections 3713.021 and 3713.022 of the Revised Code, all of the following apply:

(A) Except as provided in section 3713.05 of the Revised Code, no person shall import, manufacture, renovate, wholesale, or reupholster stuffed toys or articles of bedding, or sell or offer for sale any second-hand stuffed toy or any second-hand article of bedding, in this state without first registering to do so with the superintendent of industrial compliance in accordance with section 3713.05 of the Revised Code.

(B) No person shall manufacture, offer for sale, sell, deliver, or possess for the purpose of manufacturing, selling, or delivering, an article of bedding or a stuffed toy that is not labeled in accordance with section 3713.08 of the Revised Code.

(C) No person shall manufacture, offer for sale, sell, deliver, or possess for the purpose of manufacturing, selling, or delivering, an article of bedding or a stuffed toy that is falsely labeled.

(D) No person shall sell or offer for sale any secondhand article of bedding or any secondhand stuffed toy that has not been sanitized in accordance with section 3713.08 of the Revised Code.

(E) The possession of any article of bedding or stuffed toy in the course of business by a person required to obtain registration under this chapter, or by that person's agent or servant shall be prima-facie evidence of the person's intent to sell the article of bedding or stuffed toy."

In line 80605, after "3709.07," insert "3713.02,"

In line 88 of the title, after "3929.87," insert "4104.32, 4104.34, 4104.36, 4104.37,"

In line 166 of the title, after "3902.72," insert "4104.33, 4104.35,"

In line 299, after "3929.87," insert "4104.32, 4104.34, 4104.36, 4104.37,"

In line 356, after "3772.37," insert "4104.33, 4104.35,"

After line 52245, insert:

"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 the both of the following requirements are satisfied:

(A) The person operating the boiler is licensed under section 4104.35

of the Revised Code.

(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.

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.

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 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 four members appointed by the president and speaker, each shall own a historical boiler and also have at least ten years of experience in the operation of historical boilers, and each of these four members shall reside in a different region of the state.

Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled by the director of commerce, and shall not require the advice and consent of the senate. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the successor takes office or until a period of sixty days has elapsed, whichever

occurs first.

The members of the board, annually, shall elect, by majority vote, a chairperson from among their members. The board shall meet at least once annually and at other times at the call of the chairperson. Board members shall receive their actual and necessary expenses incurred in the discharge of their duties as board members. The superintendent of industrial compliance shall call the first meeting of the board, and the superintendent, or the superintendent's designee, shall act as an ex officio chairperson at the first meeting for the sole purpose of electing a chairperson.

The superintendent of industrial compliance shall furnish office space, staff, and supplies to the board as the superintendent determines are necessary for the board to carry out its official duties under sections 4104.33 to 4104.37 of the Revised Code.

Sec. 4104.34. ~~The division of industrial compliance in the department of commerce~~ historical boilers licensing board shall do all of the following:

(A) Adopt rules concerning all of the following:

(1) Criteria that inspectors of historical boilers shall utilize in determining the safe operation of historical boilers;

(2) Procedures for the inspection of historical boilers;

(3) The standards for riveted or welded repairs or alterations made to historical boilers;

(4) Standards and procedures for the revocation of a historical boiler operator's license, which shall include an opportunity for appeal and hearing in accordance with Chapter 119. of the Revised Code;

(5) Standards for requalifying for a license after revocation of a license;

(6) Standards and procedures for conducting hydrostatic tests, and requirements for reporting the results of those tests to the ~~division board~~, as required under division (F) of section 4104.36 of the Revised Code;

~~(5)(7)~~ Standards for the public display and operation of historical boilers in this state by historical boiler operators who reside outside of this state.

(B) Issue triennial certificates of operation for historical boilers that pass the inspection required under section 4104.36 of the Revised Code;

(C) Conduct hearings in accordance with Chapter 119. of the Revised Code for any person who appeals a decision made by an inspector regarding whether the person should be denied a certificate of operation for the person's historical boiler;

(D) Establish a fee for the inspection of historical boilers conducted pursuant to division (B) of section 4104.36 of the Revised Code in an amount

sufficient to reimburse the department of commerce for the cost of conducting those inspections;

(E) Reimburse the department of commerce for the cost of inspections performed by the division of boiler inspection pursuant to section 4104.36 of the Revised Code;

(F) Issue licenses to operate historical boilers in public to persons who meet the requirements of section 4104.35 of the Revised Code;

(G) Grant approval of historical boiler operator's courses as the board determines appropriate;

(H) Grant approval of written or verbal examinations that are developed to test competence in operating historical boilers;

(I) For purposes of section 4104.37 of the Revised Code, determine the smallest size of historical boilers that are subject to sections 4104.32 to 4104.36 of the Revised Code;

(F)(J) For purposes of inspection criteria adopted by the ~~division~~ board pursuant to division (A)(1) of this section, establish the criteria based upon the manufacturing standards for safe operation that are established by the various manufacturers of historical boilers;

(G)(K) Appoint safety committees to conduct the hydrostatic tests required under division (F) of section 4104.36 of the Revised Code;

(H)(L) Establish requirements for the minimum amount of liability insurance that an owner of historical boilers shall carry on each historical boiler operated in public that the owner owns, if the ~~division~~ board determines that a minimum amount should be established.

Sec. 4104.35. (A) Any person may apply to the historical boiler licensing board to become licensed to operate historical boilers in public. The board shall issue a license to any person who satisfies the following criteria:

- (1) Is sixteen years of age or older;
- (2) Has completed a historical boiler operator's course that is approved by the board;
- (3) Passes a written or verbal examination that is approved by the board and that tests for competence in operating historical boilers;
- (4) Has at least one hundred hours of actual operating experience or training in the operation of historical boilers.

(B) A person who satisfies the criteria described in division (A) of this section shall pay a one-time fee of fifty dollars for the issuance of a license under this section.

(C) A license issued under this section is valid for the lifetime of the operator unless the license is revoked by the board pursuant to division (E) of

this section.

(D) Persons who are under the age of sixteen may be trained in the operation of historical boilers by serving as apprentices to operators who are licensed under this section, in order to obtain the training required under division (A)(4) of this section for licensure.

(E) The board shall revoke a license issued under this section in accordance with rules the board adopts under division (A)(4) of section 4104.34 of the Revised Code. A person whose license is revoked may qualify for licensure if the person satisfies the criteria the board establishes in rules it adopts pursuant to division (A)(5) of section 4104.34 of the Revised Code.

Sec. 4104.36. (A) The owner of a historical boiler that is operated in public shall maintain a current valid certificate of operation for the historical boiler in accordance with the requirements of this section.

(B) At least once every three years, inspectors designated by the ~~superintendent of industrial compliance~~ chief of the division of boiler inspection in the department of commerce shall inspect thoroughly, internally and externally, and under operating conditions, all historical boilers that are operated in public and their appurtenances. Inspectors shall examine the smoke box, barrel, wrapped sheet, dome, water column and water glass, firebox, external plumbing, fusible plug, pressure relief valve, and pressure gauge.

(C) After conducting the inspection required under division (B) of this section, the inspector shall evaluate whether the historical boiler is in safe operating condition according to rules adopted by the ~~division of industrial compliance~~ historical boiler licensing board pursuant to division (A)(1) of section 4104.34 of the Revised Code. If the inspector finds that the historical boiler is in safe operating condition, the inspector shall recommend that the ~~division board~~ historical boiler licensing board issue a certificate of operation for the historical boiler. If the ~~division board~~ historical boiler licensing board concurs with the recommendation of the inspector, the ~~division board~~ historical boiler licensing board shall issue a certificate of operation for the historical boiler inspected by that inspector. A certificate of operation is valid for a period of three years after the date of issuance.

(D) If an inspector does not recommend the issuance of a certificate of operation for the historical boiler or if the ~~division board~~ historical boiler licensing board decides not to issue a certificate of operation, the owner of the historical boiler may file an appeal with the ~~division board~~ historical boiler licensing board, and the ~~division board~~ historical boiler licensing board shall conduct a hearing in accordance with Chapter 119. of the Revised Code.

(E) The owner of a historical boiler that is operated in public shall display the certificate of operation in a prominent place on the historical boiler during its operation.

(F) At least once every three years, a safety committee appointed by the ~~division board~~ pursuant to division ~~(G)~~ (K) of section 4104.34 of the Revised Code shall conduct a hydrostatic test at one and one-quarter of the maximum allowable working pressure on all publicly operated historical boilers that are assigned by the ~~division board~~ for testing by that safety committee. The safety committee shall submit the results of each hydrostatic test to the ~~division board~~ in accordance with rules adopted by the ~~division board~~ pursuant to division ~~(A)(4)~~ (A)(6) of section 4104.34 of the Revised Code.

Sec. 4104.37. Sections 4104.32 to 4104.36 of the Revised Code do not apply to historical boilers that are smaller than the size determined by the ~~division of industrial compliance~~ historical boilers licensing board pursuant to division ~~(E)~~ (I) of section 4104.34 of the Revised Code."

In line 80611, after "3929.87," insert "4104.32, 4104.34, 4104.36, 4104.37,"

After line 99416, insert:

"**Section 741.10.** (A) Notwithstanding any provision of law to the contrary, on the effective date of this section, all of the authority, functions, assets, and liabilities of the Division of Industrial Compliance that were transferred to the Division from the former Historical Boilers Licensing Board by Section 7 of H.B. 442 of the 133rd General Assembly are transferred to the new Historical Boilers Licensing Board created by section 4104.33 of the Revised Code as enacted in this act. The Board is thereupon and thereafter successor to, and assumes the obligations, duties, authorities, and responsibilities of, the Division in relation to historical boilers. Any certificate that was issued by the Division pursuant to sections 4104.31 to 4104.37 of the Revised Code, or that was issued by the former Historical Boilers Licensing Board, that is current and valid on the effective date of this section is deemed to be a certificate issued by the Board.

Any business commenced under sections 4104.31 to 4104.37 of the Revised Code but not completed by the effective date of this section shall be completed by the Board in the same manner, and with the same effect, as if completed by the Division.

No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of this act's transfer of responsibility from the Division to the Board.

All rules, orders, and determinations made or undertaken pursuant to the authority and responsibilities of the Division under sections 4104.31 to 4104.37 of the Revised Code, or the former Historical Boilers Licensing Board, shall continue in effect as rules, orders, and determinations of the Board until modified or rescinded by the Board. If necessary to ensure the integrity of the numbering system of the Administrative Code, the Director of

the Legislative Service Commission shall renumber the rules to reflect the transfer.

Any action or proceeding that is related to the functions or duties of the Division under sections 4104.31 to 4104.37 of the Revised Code, or the former Historical Boilers Licensing Board, pending on the effective date of this section is not affected by the transfer and shall be prosecuted or defended in the name of the Board. In all such actions and proceedings, the Board, on application to the court, shall be substituted as a party.

(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."

In line 6501, reinsert "(D)(1)(a)"; after "~~Appointed~~" insert "Beginning on January 1, 2022, and ending on December 31, 2025, appointed"; reinsert "members shall receive a monthly stipend"

Reinsert lines 6502 through 6504

In line 6505, reinsert "for each year of"; after "~~term~~" insert "service as a member of the authority during that period"; reinsert the stricken period

Reinsert lines 6506 through 6513

In line 6514, reinsert "(c)"; delete "~~(D)~~"

Reinsert lines 6519 through 6522

In line 6523, reinsert "(3)"

In line 6524, after "~~stipends~~" insert "for meals and expenses"; after "section" insert "and, for the period beginning on January 1, 2022, and ending on December 31, 2025, all stipends under this section"

In line 6476, after "county" insert "that was an eligible area immediately prior to the effective date of this amendment and any other Ohio county"

In line 66 of the title, after "3319.31," insert "3319.60,"

In line 283, after "3319.31," insert "3319.61,"

After line 41414, insert:

"Sec. 3319.60. There is hereby established the educator standards board. The board shall develop and recommend to the state board of education standards for entering and continuing in the educator professions and standards for educator professional development. The board membership shall reflect the diversity of the state in terms of gender, race, ethnic background, and geographic distribution.

(A) The board shall consist of the following members:

(1) The following ~~eighteen~~ nineteen members appointed by the state board of education:

(a) Ten persons employed as teachers in a school district. Three persons appointed under this division shall be employed as teachers in a secondary school, two persons shall be employed as teachers in a middle school, three persons shall be employed as teachers in an elementary school, one person shall be employed as a teacher in a pre-kindergarten classroom, and one person shall be a teacher who serves on a local professional development committee pursuant to section 3319.22 of the Revised Code. At least one person appointed under this division shall hold a teaching certificate or license issued by the national board for professional teaching standards. The Ohio education association shall submit a list of fourteen nominees for these appointments and the state board ~~shall~~ may appoint up to seven members to the educator standards board from that list. The Ohio federation of teachers shall submit a list of six nominees for these appointments and the state board ~~shall~~ may appoint up to three members to the educator standards board from that list. If there is an insufficient number of nominees from both lists to satisfy the membership requirements of this division, the state board shall request additional nominees who satisfy those requirements.

(b) One person employed as a teacher in a chartered, nonpublic school. Stakeholder groups selected by the state board shall submit a list of two nominees for this appointment.

(c) Five persons employed as school administrators in a school district. Of those five persons, one person shall be employed as a secondary school principal, one person shall be employed as a middle school principal, one person shall be employed as an elementary school principal, one person shall be employed as a school district treasurer or business manager, and one person shall be employed as a school district superintendent. The buckeye

association of school administrators shall submit a list of two nominees for the school district superintendent, the Ohio association of school business officials shall submit a list of two nominees for the school district treasurer or business manager, the Ohio association of elementary school administrators shall submit a list of two nominees for the elementary school principal, and the Ohio association of secondary school administrators shall submit a list of two nominees for the middle school principal and a list of two nominees for the secondary school principal.

(d) One person who is a member of a school district board of education. The Ohio school boards association shall submit a list of two nominees for this appointment.

(e) One person who is a parent of a student currently enrolled in a school operated by a school district. The Ohio parent teacher association shall submit a list of two nominees for this appointment.

(f) One person who represents community schools established under Chapter 3314. of the Revised Code.

(2) The chancellor of the Ohio board of regents shall appoint three persons employed by institutions of higher education that offer educator preparation programs. One person shall be employed by an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code; one person shall be employed by a state university, as defined in section 3345.011 of the Revised Code, or a university branch; and one person shall be employed by a state community college, community college, or technical college. Of the two persons appointed from an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code and from a state university or university branch, one shall be employed in a college of education and one shall be employed in a college of arts and sciences.

(3) The speaker of the house of representatives shall appoint two persons who are active in or retired from the education profession.

(4) The president of the senate shall appoint two persons who are active in or retired from the education profession.

(5) The superintendent of public instruction or a designee of the superintendent, the chancellor of the Ohio board of regents or a designee of the chancellor, and the chairpersons and the ranking minority members of the education committees of the senate and house of representatives shall serve as nonvoting, ex officio members.

(B) Terms of office shall be for two years. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. At the first meeting, appointed members shall select a chairperson and a vice-chairperson. Vacancies on the board

shall be filled in the same manner as prescribed for appointments under division (A) of this section. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. The terms of office of members are renewable.

(C) Members shall receive no compensation for their services.

(D) The board shall establish guidelines for its operation. These guidelines shall require the creation of a standing subcommittee on higher education, and shall permit the creation of other standing subcommittees when necessary. The board shall determine the membership of any subcommittee it creates. The board may select persons who are not members of the board to participate in the deliberations of any subcommittee as representatives of stakeholder groups, but no such person shall vote on any issue before the subcommittee."

In line 80595, after "3319.31," insert "3319.60,"

In line 126 of the title, after "5739.03," insert "5739.09,"

In line 327, after "5739.03," insert "5739.09,"

After line 76331, insert:

"Sec. 5739.09. (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. Except as otherwise provided in this section, the regulations shall provide, after deducting the real and actual costs of administering the tax, for the return to each municipal corporation or township that does not levy an excise tax on the transactions, a uniform percentage of the tax collected in the municipal corporation or in the unincorporated portion of the township from each transaction, not to exceed thirty-three and one-third per cent. Except as provided in this section, the remainder of the revenue arising from the tax shall be deposited in a separate fund and shall be spent solely to make contributions to the convention and visitors' bureau operating within the county, including a pledge and contribution of any portion of the remainder pursuant to an agreement authorized by section 307.678 or 307.695 of the

Revised Code.

(2) If the board of county commissioners of an eligible county as defined in section 307.678 or 307.695 of the Revised Code adopts a resolution amending a resolution levying a tax under division (A) of this section to provide that revenue from the tax shall be used by the board as described in either division (D) of section 307.678 or division (H) of section 307.695 of the Revised Code, the remainder of the revenue shall be used as described in the resolution making that amendment.

(3) Except as provided in division (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), or (Q) of this section, on and after May 10, 1994, a board of county commissioners may not levy an excise tax pursuant to division (A) of this section in any municipal corporation or township located wholly or partly within the county that has in effect an ordinance or resolution levying an excise tax pursuant to division (B) of section 5739.08 of the Revised Code.

(4) The board of a county that has levied a tax under division (M) of this section may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, amend the resolution levying a tax under division (A) of this section to provide for a portion of that tax to be pledged and contributed in accordance with an agreement entered into under section 307.695 of the Revised Code. A tax, any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue from the tax has been so pledged.

(5) The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend a resolution levying a tax under division (A) of this section to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, in which case the tax shall remain in effect at the rate at which it was imposed for the duration of any agreement entered into by the board under section 307.695 of the Revised Code, the duration during which any securities issued by the board under that section are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

(6) The board of county commissioners of an eligible county as defined in section 307.678 of the Revised Code may, by resolution, amend a resolution levying a tax under division (A) of this section to provide that revenue from the tax, not to exceed five hundred thousand dollars each year, may be used as described in division (E) of section 307.678 of the Revised Code.

(7) Notwithstanding division (A) of this section, the board of county commissioners of a county described in division (H)(1) of this section may,

by resolution, amend a resolution levying a tax under division (A) of this section to provide that all or a portion of the revenue from the tax, including any revenue otherwise required to be returned to townships or municipal corporations under that division, may be used or pledged for the payment of debt service on securities issued to pay the costs of constructing, operating, and maintaining sports facilities described in division (H)(2) of this section.

(8) The board of county commissioners of a county described in division (I) of this section may, by resolution, amend a resolution levying a tax under division (A) of this section to provide that all or a portion of the revenue from the tax may be used for the purposes described in section 307.679 of the Revised Code.

(B) A board of county commissioners that levies an excise tax under division (A) of this section on June 30, 1997, at a rate of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code or, in the case of the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code, has amended a resolution levying a tax under division (M) of this section to provide that proceeds from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A) of this section to provide for an increase in the rate of that tax up to seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(C)(1) As used in division (C) of this section, "cost" and "facility" have the same meanings as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) A board of county commissioners that levies a tax under division (A) of this section on March 18, 1999, at a rate of three per cent may, by resolution adopted not later than forty-five days after March 18, 1999, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before November 15, 1998, and used to pay costs of constructing, maintaining, operating, and promoting a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A) of this section;

(d) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(3) Division (C) of this section does not apply to the board of county commissioners of any county in which a convention center or facility exists or is being constructed on November 15, 1998, or of any county in which a convention facilities authority levies a tax pursuant to section 351.021 of the Revised Code on that date.

(D)(1) As used in division (D) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) A board of county commissioners that levies a tax under division (A) of this section on June 30, 2002, at a rate of three per cent may, by resolution adopted not later than September 30, 2002, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional three and one-half per cent on each transaction;

(b) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding,

maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A) of this section;

(d) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(3) Any board of county commissioners that, pursuant to division (D)(2) of this section, has amended a resolution levying the tax authorized by division (A) of this section may further amend the resolution to provide that the revenue referred to in division (D)(2)(b) of this section shall be pledged and contributed both to a convention facilities authority to pay the costs of constructing, expanding, maintaining, or operating one or more convention centers in the county, including paying bonds, or notes issued in anticipation of bonds, as provided in Chapter 351. of the Revised Code, and to a convention and visitors' bureau to pay the costs of promoting one or more convention centers in the county.

(E)(1) As used in division (E) of this section:

(a) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(b) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.

(2) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:

(a) Amend a resolution previously adopted under division (A) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;

(b) Amend a resolution previously adopted under division (A) of this

section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(3) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (E)(2)(b) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(F)(1) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3, Ohio Constitution, and that levies an excise tax under division (A) of this section at a rate of three per cent and levies an additional excise tax under division (O) of this section at a rate of one and one-half per cent may, by resolution adopted not later than January 1, 2008, by a majority of the members of the board, amend the resolution levying a tax under division (A) of this section to provide for an increase in the rate of that tax by not more than an additional one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding divisions (A) and (O) of this section, the resolution shall provide that all of the revenue from the increase in rate, after deducting the real and actual costs of administering the tax, shall be used to pay the costs of improving, expanding, equipping, financing, or operating a convention center by a convention and visitors' bureau in the county.

(2) The increase in rate shall remain in effect for the period specified in the resolution, not to exceed ten years, and may be extended for an additional period of time not to exceed ten years thereafter by a resolution adopted by a majority of the members of the board.

(3) The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under that division.

(G)(1) Division (G) of this section applies only to a county with a population greater than sixty-five thousand and less than seventy thousand according to the most recent federal decennial census and in which, on December 31, 2006, an excise tax is levied under division (A) of this section at a rate not less than and not greater than three per cent, and in which the most recent increase in the rate of that tax was enacted or took effect in November 1984.

(2) The board of county commissioners of a county to which division (G) of this section applies, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to

transient guests. The increase in rate shall be for the purpose of paying expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism.

(3) The increase in rate shall remain in effect for the period specified in the resolution, not to exceed twenty years, provided that the increase in rate may not continue beyond the time when the purpose for which the increase is levied ceases to exist. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(4) The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(5) A resolution adopted under division (G) of this section is subject to referendum under sections 305.31 to 305.99 of the Revised Code.

(H)(1) Division (H) of this section applies only to a county satisfying all of the following:

(a) The population of the county is greater than one hundred seventy-five thousand and less than two hundred twenty-five thousand according to the most recent federal decennial census.

(b) An amusement park with an average yearly attendance in excess of two million guests is located in the county.

(c) On December 31, 2014, an excise tax was levied in the county under division (A) of this section at a rate of three per cent.

(2) The board of county commissioners of a county to which division (H) of this section applies, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be used to pay the costs of constructing and maintaining facilities owned by the county or by a port authority created under Chapter 4582. of the Revised Code, and designed to host sporting events and expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism with reference to the sports facilities, and to pay or pledge to the payment of debt service on securities issued to pay the costs of constructing, operating, and maintaining the sports facilities.

(3) The increase in rate shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(4) The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(I)(1) The board of county commissioners of a county with a population greater than seventy-five thousand and less than seventy-eight thousand, by resolution adopted by a majority of the members of the board not later than October 15, 2015, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be for the purposes described in section 307.679 of the Revised Code or for the promotion of travel and tourism in the county, including travel and tourism to sports facilities.

(2) The increase in rate shall remain in effect for the period specified in the resolution and as necessary to fulfill the county's obligations under a cooperative agreement entered into under section 307.679 of the Revised Code. If the resolution is adopted by the board before September 29, 2015, but after that enactment becomes law, the increase in rate shall become effective beginning on September 29, 2015. If revenue from the increase in rate is pledged to the payment of debt charges on securities, or to substitute for other revenues pledged to the payment of such debt, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(3) The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(J)(1) Division (J) of this section applies only to counties satisfying either of the following:

(a) A county that, on July 1, 2015, does not levy an excise tax under

division (A) of this section and that has a population of at least thirty-nine thousand but not more than forty thousand according to the 2010 federal decennial census;

(b) A county that, on July 1, 2015, levies an excise tax under division (A) of this section at a rate of three per cent and that has a population of at least seventy-one thousand but not more than seventy-five thousand according to 2010 federal decennial census.

(2) The board of county commissioners of a county to which division (J) of this section applies, by resolution adopted by a majority of the members of the board, may levy an excise tax at a rate not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of acquiring, constructing, equipping, or repairing permanent improvements, as defined in section 133.01 of the Revised Code.

(3) If the board does not levy a tax under division (A) of this section, the board shall establish regulations necessary to provide for the administration of the tax, which may prescribe the time for payment of the tax and the imposition of penalty or interest subject to the limitations on penalty and interest provided in division (A) of this section. No portion of the revenue shall be returned to townships or municipal corporations in the county unless otherwise provided by resolution of the board.

(4) The tax shall apply throughout the territory of the county, including in any township or municipal corporation levying an excise tax under division (A) or (B) of section 5739.08 of the Revised Code. The levy of the tax is subject to referendum as provided under section 305.31 of the Revised Code.

(5) The tax shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding unless provision is made by law or by the board for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(K)(1) The board of county commissioners of an eligible county, as defined in section 307.678 of the Revised Code, that levies an excise tax under division (A) of this section on July 1, 2017, at a rate of three per cent may, by resolution adopted by a majority of the members of the board, amend the resolution levying the tax to increase the rate of the tax by not more than an additional three per cent on each transaction.

(2) No portion of the revenue shall be returned to townships or municipal corporations in the county unless otherwise provided by resolution of the board. Otherwise, the revenue from the increase in the rate shall be

distributed and used in the same manner described under division (A) of this section or distributed or used to provide credit enhancement facilities as authorized under section 307.678 of the Revised Code.

(3) The increase in rate shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding unless provision is made by law or by the board for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(L)(1) As used in division (L) of this section:

(a) "Eligible county" means a county that has a population greater than one hundred ninety thousand and less than two hundred thousand according to the 2010 federal decennial census and that levies an excise tax under division (A) of this section at a rate of three per cent.

(b) "Professional sports facility" means a sports facility that is intended to house major or minor league professional athletic teams, including a stadium, together with all parking facilities, walkways, and other auxiliary facilities, real and personal property, property rights, easements, and interests that may be appropriate for, or used in connection with, the operation of the facility.

(2) Subject to division (L)(3) of this section, the board of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Revenue from the increase in rate shall be used for the purposes of paying the costs of constructing, improving, and maintaining a professional sports facility in the county and paying expenses considered necessary by the convention and visitors' bureau operating in the county to promote travel and tourism with respect to that professional sports facility. The tax shall take effect only after the convention and visitors' bureau enters into a contract for the construction, improvement, or maintenance of a professional sports facility that is or will be located on property acquired, in whole or in part, with revenue from the increased rate, and thereafter shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless a provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A) of this section, except

that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(3) If, on December 31, 2019, the convention and visitors' bureau has not entered into a contract for the construction, improvement, or maintenance of a professional sports facility that is or will be located on property acquired, in whole or in part, with revenue from the increased rate, the authority to levy the tax under division (L)(2) of this section is hereby repealed on that date.

(M)(1) For the purposes described in section 307.695 of the Revised Code and to cover the costs of administering the tax, a board of county commissioners of a county where a tax imposed under division (A) of this section is in effect may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, levy an additional excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The tax authorized by division (M) of this section shall be in addition to any tax that is levied pursuant to divisions (A) to (L) of this section, but it shall not apply to transactions subject to a tax levied by a municipal corporation or township pursuant to section 5739.08 of the Revised Code.

(2) The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code.

(3) All revenues arising from the tax shall be expended in accordance with section 307.695 of the Revised Code. The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend the resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code.

(4) A tax imposed under this division shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement entered into by the board under section 307.695 of the Revised Code is in effect, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

(N)(1) For the purpose of providing contributions under division (B)

(1) of section 307.671 of the Revised Code to enable the acquisition, construction, and equipping of a port authority educational and cultural facility in the county and, to the extent provided for in the cooperative agreement authorized by that section, for the purpose of paying debt service charges on bonds, or notes in anticipation of bonds, described in division (B) (1)(b) of that section, a board of county commissioners, by resolution adopted within ninety days after December 22, 1992, by a majority of the members of the board, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by division (N) of this section shall be in addition to any tax that is levied pursuant to divisions (A) to (M) of this section, to any excise tax levied pursuant to section 5739.08 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code.

(2) The board of county commissioners shall establish all regulations necessary to provide for the administration and allocation of the tax that are not inconsistent with this section or section 307.671 of the Revised Code. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code.

(3) All revenues arising from the tax shall be expended in accordance with section 307.671 of the Revised Code and division (N) of this section. The levy of a tax imposed under division (N) of this section may not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.671 of the Revised Code by all parties to that agreement.

(4) The tax shall remain in effect at the rate at which it is imposed for the period of time described in division (C) of section 307.671 of the Revised Code for which the revenue from the tax has been pledged by the county to the corporation pursuant to that section, but, to any extent provided for in the cooperative agreement, for no lesser period than the period of time required for payment of the debt service charges on bonds, or notes in anticipation of bonds, described in division (B)(1)(b) of that section.

(O)(1) For the purpose of paying the costs of acquiring, constructing, equipping, and improving a municipal educational and cultural facility, including debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code, and for any additional purposes determined by the county in the resolution levying the tax or amendments to the resolution, including subsequent amendments providing for paying costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility,

as defined in section 307.674 of the Revised Code, and including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, the legislative authority of a county, by resolution adopted within ninety days after June 30, 1993, by a majority of the members of the legislative authority, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by division (O) of this section shall be in addition to any tax that is levied pursuant to divisions (A) to (N) of this section, to any excise tax levied pursuant to section 5739.08 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code.

(2) The legislative authority of the county shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code.

(3) All revenues arising from the tax shall be expended in accordance with section 307.672 of the Revised Code and this division. The levy of a tax imposed under this division shall not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.672 of the Revised Code by all parties to that agreement. The tax shall remain in effect at the rate at which it is imposed for the period of time determined by the legislative authority of the county. That period of time shall not exceed fifteen years, except that the legislative authority of a county with a population of less than two hundred fifty thousand according to the most recent federal decennial census, by resolution adopted by a majority of its members before the original tax expires, may extend the duration of the tax for an additional period of time. The additional period of time by which a legislative authority extends a tax levied under division (O) of this section shall not exceed fifteen years.

(P)(1) The legislative authority of a county that has levied a tax under division (O) of this section may, by resolution adopted within one hundred eighty days after January 4, 2001, by a majority of the members of the legislative authority, amend the resolution levying a tax under that division to provide for the use of the proceeds of that tax, to the extent that it is no longer needed for its original purpose as determined by the parties to a cooperative agreement amendment pursuant to division (D) of section 307.672 of the Revised Code, to pay costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, including debt service charges on bonds provided for in division (B) of section 307.674 of the

Revised Code, and to pay all obligations under any guaranty agreements, reimbursement agreements, or other credit enhancement agreements described in division (C) of section 307.674 of the Revised Code.

(2) The resolution may also provide for the extension of the tax at the same rate for the longer of the period of time determined by the legislative authority of the county, but not to exceed an additional twenty-five years, or the period of time required to pay all debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code and on port authority revenue bonds provided for in division (B) of section 307.674 of the Revised Code.

(3) All revenues arising from the amendment and extension of the tax shall be expended in accordance with section 307.674 of the Revised Code and divisions (O) and (P) of this section.

(Q)(1) As used in division (Q) of this section:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (N) of this section, the legislative authority of a county with a population of one million or more according to the most recent federal decennial census that has levied a tax under division (N) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that they are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code, shall be deposited into the county general revenue fund. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (N) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million or more that has levied a tax under division (A) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A) of this section, the resolution may provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be deposited in the county general fund.

(4) The legislative authority of a county with a population of one

million or more that has levied a tax under division (A) of this section may, by resolution adopted on or before August 30, 2004, by a majority of the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A) of this section, shall be deposited in the county general fund, provided that such proceeds shall be used to satisfy any pledges made in connection with an agreement entered into under section 307.695 of the Revised Code.

(5) No amount collected from a tax levied, extended, or required to be deposited in the county general fund under division (Q) of this section shall be contributed to a convention facilities authority, corporation, or other entity created after July 1, 2003, for the principal purpose of constructing, improving, expanding, equipping, financing, or operating a convention center unless the mayor of the municipal corporation in which the convention center is to be operated by that convention facilities authority, corporation, or other entity has consented to the creation of that convention facilities authority, corporation, or entity. Notwithstanding any contrary provision of section 351.04 of the Revised Code, if a tax is levied by a county under division (Q) of this section, the board of county commissioners of that county may determine the manner of selection, the qualifications, the number, and terms of office of the members of the board of directors of any convention facilities authority, corporation, or other entity described in division (Q)(5) of this section.

(6)(a) No amount collected from a tax levied, extended, or required to be deposited in the county general fund under division (Q) of this section may be used for any purpose other than paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center and for the real and actual costs of administering the tax, unless, prior to the adoption of the resolution of the legislative authority of the county authorizing the levy, extension, increase, or deposit, the county and the mayor of the most populous municipal corporation in that county have entered into an agreement as to the use of such amounts, provided that such agreement has been approved by a majority of the mayors of the other municipal corporations in that county. The agreement shall provide that the amounts to be used for purposes other than paying the convention center or administrative costs described in division (Q)(6)(a) of this section be used only for the direct and indirect costs of capital improvements, including the financing of capital improvements.

(b) If the county in which the tax is levied has an association of mayors and city managers, the approval of that association of an agreement described in division (Q)(6)(a) of this section shall be considered to be the

approval of the majority of the mayors of the other municipal corporations for purposes of that division.

(7) Each year, the auditor of state shall conduct an audit of the uses of any amounts collected from taxes levied, extended, or deposited under division (Q) of this section and shall prepare a report of the auditor of state's findings. The auditor of state shall submit the report to the legislative authority of the county that has levied, extended, or deposited the tax, the speaker of the house of representatives, the president of the senate, and the leaders of the minority parties of the house of representatives and the senate.

(R)(1) As used in division (R) of this section:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (N) of this section, the legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (N) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code and after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (N) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A) of this section, the resolution shall provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a

convention center.

(4) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A) of this section may, by resolution adopted on or before July 1, 2008, by a majority of the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A) of this section, shall be used to satisfy any pledges made in connection with an agreement entered into under section 307.695 of the Revised Code or shall otherwise be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(5) Any amount collected from a tax levied or extended under division (R) of this section may be contributed to a convention facilities authority created before July 1, 2005, but no amount collected from a tax levied or extended under division (R) of this section may be contributed to a convention facilities authority, corporation, or other entity created after July 1, 2005, unless the mayor of the municipal corporation in which the convention center is to be operated by that convention facilities authority, corporation, or other entity has consented to the creation of that convention facilities authority, corporation, or entity.

(S) As used in division (S) of this section, "soldiers' memorial" means a memorial constructed and funded under Chapter 345. of the Revised Code.

The board of county commissioners of a county with a population between one hundred three thousand and one hundred seven thousand according to the most recent federal decennial census, by resolution adopted by a majority of the members of the board within six months after September 15, 2014, may levy a tax not to exceed three per cent on transactions by which a hotel is or is to be furnished to transient guests. The purpose of the tax shall be to pay the costs of expanding, maintaining, or operating a soldiers' memorial and the costs of administering the tax. All revenue arising from the tax shall be credited to one or more special funds in the county treasury and shall be spent solely for the purposes of paying those costs.

The board of county commissioners shall adopt all rules necessary to provide for the administration of the tax subject to the same limitations on imposing penalty or interest under division (A) of this section.

(T) As used in division (T) of this section, "eligible county" means a county in which a county agricultural society or independent agricultural society is organized under section 1711.01 or 1711.02 of the Revised Code, provided the agricultural society owns a facility or site in the county at which

an annual harness horse race is conducted where one-day attendance equals at least forty thousand attendees.

A board of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may levy an excise tax at the rate of up to three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of paying the costs of permanent improvements at sites at which one or more agricultural societies conduct fairs or exhibits, paying the costs of maintaining or operating such permanent improvements, and paying the costs of administering the tax.

A resolution adopted under division (T) of this section, other than a resolution that only extends the period of time for which the tax is levied, shall direct the board of elections to submit the question of the proposed lodging tax to the electors of the county at a special election held on the date specified by the board in the resolution, provided that the election occurs not less than ninety days after a certified copy of the resolution is transmitted to the board of elections. A resolution submitted to the electors under division (T) of this section shall not go into effect unless it is approved by a majority of those voting upon it. The resolution takes effect on the date the board of county commissioners receives notification from the board of elections of an affirmative vote.

The tax shall remain in effect for the period specified in the resolution, not to exceed five years, and may be extended for an additional period of time not to exceed fifteen years thereafter by a resolution adopted by a majority of the members of the board. A resolution extending the period of time for which the tax is in effect is not subject to approval of the electors of the county, but is subject to referendum under sections 305.31 to 305.99 of the Revised Code. All revenue arising from the tax shall be credited to one or more special funds in the county treasury and shall be spent solely for the purposes of paying the costs of such permanent improvements and maintaining or operating the improvements. Revenue allocated for the use of a county agricultural society may be credited to the county agricultural society fund created in section 1711.16 of the Revised Code upon appropriation by the board. If revenue is credited to that fund, it shall be expended only as provided in that section.

The board of county commissioners shall adopt all rules necessary to provide for the administration of the tax. The rules may prescribe the time for payment of the tax, and may provide for the imposition or penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed in section 5703.47 of the Revised Code.

(U) As used in division (U) of this section, "eligible county" means a

county in which a tax is levied under division (A) of this section at a rate of three per cent and whose territory includes a part of Lake Erie the shoreline of which represents at least fifty per cent of the linear length of the county's border with other counties of this state.

The board of county commissioners of an eligible county that has entered into an agreement with a port authority in the county under section 4582.56 of the Revised Code may levy an additional lodging tax on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of financing lakeshore improvement projects constructed or financed by the port authority under that section. The resolution levying the tax shall specify the purpose of the tax, the rate of the tax, which shall not exceed two per cent, and the number of years the tax will be levied or that it will be levied for a continuing period of time. The tax shall be administered pursuant to the regulations adopted by the board under division (A) of this section, except that all the proceeds of the tax levied under this division shall be pledged to the payment of the costs, including debt charges, of lakeshore improvements undertaken by a port authority pursuant to the agreement under section 4582.56 of the Revised Code. No revenue from the tax may be used to pay the current expenses of the port authority.

A resolution levying a tax under division (U) of this section is subject to referendum under sections 305.31 to 305.41 and 305.99 of the Revised Code.

(V)(1) As used in division (V) of this section:

(a) "Tourism development district" means a district designated by a municipal corporation under section 715.014 of the Revised Code or by a township under section 503.56 of the Revised Code.

(b) "Lodging tax" means a tax levied pursuant to this section or section 5739.08 of the Revised Code.

(c) "Tourism development district lodging tax proceeds" means all proceeds of a lodging tax derived from transactions by which lodging by a hotel located in a tourism development district is or is to be provided to transient guests.

(d) "Eligible county" has the same meaning as in section 307.678 of the Revised Code.

(2)(a) Notwithstanding division (A) of this section, the board of county commissioners, board of township trustees, or legislative authority of any county, township, or municipal corporation that levies a lodging tax on September 29, 2017, and in which any part of a tourism development district is located on or after that date shall amend the ordinance or resolution levying the tax to require either of the following:

(i) In the case of a tax levied by a county, that all tourism development district lodging tax proceeds from that tax be used exclusively to foster and develop tourism in the tourism development district;

(ii) In the case of a tax levied by a township or municipal corporation, that all tourism development district lodging tax proceeds from that tax be used exclusively to foster and develop tourism in the tourism development district.

(b) Notwithstanding division (A) of this section, any ordinance or resolution levying a lodging tax adopted on or after September 29, 2017, by a county, township, or municipal corporation in which any part of a tourism development district is located on or after that date shall require that all tourism development district lodging tax proceeds from that tax be used exclusively to foster and develop tourism in the tourism development district.

(c) A county shall not use any of the proceeds described in division (V)(2)(a)(i) or (V)(2)(b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed-upon purpose.

A municipal corporation or township shall not use any of the proceeds described in division (V)(2)(a)(ii) or (V)(2)(b) of this section unless the convention and visitors' bureau operating within the municipal corporation or township approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the municipal corporation or township may pay such proceeds to the bureau to use for the agreed-upon purpose.

(3)(a) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that levies a lodging tax on March 23, 2018, may amend the resolution levying that tax to require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county shall be used to foster and develop tourism in a tourism development district.

(b) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that adopts a resolution levying a lodging tax on or after March 23, 2018, may require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county pursuant to division (A) of this section shall be used to foster and develop tourism in a tourism development district.

(c) A county shall not use any of the proceeds in the manner described in division (V)(3)(a) or (b) of this section unless the convention

and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed upon purpose.

(W)(1) As used in division (W) of this section:

(a) "Eligible county" means a county with a population greater than three hundred thousand and less than three hundred fifty thousand that levies a tax under division (A) of this section at a rate of three per cent;

(b) "Cost" and "facility" have the same meanings as in section 351.01 of the Revised Code.

(2) A board of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may levy an excise tax at the rate of up to three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. All of the revenue from the tax shall be used to pay the costs of administering the tax or pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code and used by the authority to pay the cost of constructing a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter, or paying the expenses of maintaining, operating, or promoting such a facility. No portion of the revenue arising from the tax need be returned to municipal corporations or townships as required for taxes levied under division (A) of this section.

(3) A resolution adopted under division (W) of this section shall direct the board of elections to submit the question of the proposed lodging tax to the electors of the county at a special election held on the date specified by the board in the resolution, provided that the election occurs not less than ninety days after a certified copy of the resolution is transmitted to the board of elections. A resolution submitted to the electors under division (W) of this section shall not go into effect unless it is approved by a majority of those voting upon it. The resolution takes effect on the date the board of county commissioners receives notification from the board of elections of an affirmative vote.

(4) Once the tax is approved by the electors of the county pursuant to division (W)(3) of this section, it shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefore that is satisfactory to the trustee if a trust agreement secures the bonds.

(5) The tax authorized by division (W) of this section shall be in

addition to any other tax that is levied pursuant to this section."

In line 80639, after "5739.03," insert "5739.09,"

In line 122 of the title, delete "5709.09,"

In line 324, delete "5709.09,"

Delete lines 71897 through 71912

In line 80636, delete "5709.09,"

Delete lines 100383 through 100385

In line 78114, delete "The credit for donations to scholarship granting"

Delete line 78115

In line 78116, delete "(q)"

In line 78589, after "for" insert "any of the following items used directly for home instruction of a qualifying student:"

In line 78614, delete "one thousand" and insert "seven hundred fifty"

In line 78622, delete "one thousand" and insert "seven hundred fifty"

In line 78653, delete "post and"

In line 78654, delete "on the attorney general's web site"; delete "The" and insert "As soon as is practicable after compiling or updating this list, the"

In line 78655, delete "also"; delete "on or"

Delete lines 78656 and 78657 and insert ", who shall post the list or updated list to the department of taxation's web site."

In line 98021, delete "for the purpose of municipal income tax"

Deletes lines 98022 and 98023

In line 98024, delete "under section 718.02 or 718.82 of the Revised Code"

Delete lines 98032 through 98036 and insert:

"(D) On and after January 1, 2021, this section applies only for the purposes of municipal income tax withholding under section 718.011 of the Revised Code and for apportioning or situsing the employer's net profit under section 718.02 or 718.82 of the Revised Code and not for purposes of determining the location at which a nonresident employee's work was completed, services were performed or rendered, or activities were conducted for the purpose of determining the employee's municipal income tax liability."

In line 100171, delete "It is the intent of the General Assembly"

Delete lines 100172 through 100179

In line 100180, delete "(B)"

In line 100184, delete "March 9, 2020" and insert "January 1, 2021"

In line 100185, delete "(C)" and insert "(B)"

In line 100194, delete "(D)(1) Division" and insert "(C) Division (C) of this section applies to taxes withheld and remitted on and after January 1, 2021, and before December 31, 2021.

(1) Division"

In line 100202, delete "(D)" and insert "(C)"

In line 100203, delete "earned on and after March 9, 2020, and"

In line 100204, delete "before December 31, 2021, and"

In line 100229, delete "(E)" and insert "(D)"

In line 128 of the title, delete "5747.70,"

In line 328, delete "5747.70,"

In line 76794, delete "made"; reinsert "variable"

In line 76795, reinsert "college savings program accounts made"

In line 76796, reinsert "pursuant to Chapter 3334. of the Revised"; delete "under a qualified tuition"

Delete line 76797

In line 76798, delete "revenue"

Delete lines 78515 through 78582

In line 80640, delete "5747.70,"

Delete lines 100402 through 100411

In line 74124, delete ", unless such service is or is to be provided by an"

Delete lines 74125 and 74126

In line 74127, delete "501(a) of the Internal Revenue Code"

In line 74129, delete ", unless such service is or is to be provided by an"

Delete lines 74130 and 74131

In line 74132, delete "501(a) of the Internal Revenue Code"

In line 79233, delete "Five hundred seventy-five one-thousandths" and insert "One-half"

In line 96625, delete "\$12,609,409 \$12,609,409" and insert "\$10,545,000 \$10,880,000"

In line 96640, subtract \$2,064,409 from fiscal year 2022 and \$1,729,409 from fiscal year 2023

In line 96649, subtract \$2,064,409 from fiscal year 2022 and \$1,729,409 from fiscal year 2023

In line 28 of the title, delete "1333.11, 1333.12, 1333.14,"

In line 29 of the title, delete "1333.15,"

In line 150 of the title, delete "1333.13,"

In line 254, delete "1333.11"

In line 255, delete "1333.12, 1333.14, 1333.15,"

In line 344, delete "1333.13,"

Delete lines 18274 through 18443

In line 80567, delete "1333.11, 1333.12, 1333.14, 1333.15,"

After line 60193, insert:

"(H) With respect to the right of health care payer to decline to pay for a health care service as established in division (B) of this section, the payer's right to decline applies only to payments and health care services for which a contract has been entered into between the payer and policyholder on or after the effective date of this section."

In line 123 of the title, delete "5713.03,"

In line 124 of the title, delete "5715.01,"

In line 325, delete "5713.03, 5715.01,"

Delete lines 72855 through 72902

Delete lines 72928 through 73083

In line 80637, delete "5713.03, 5715.01,"

After line 100286, insert:

"Section 757. ____. (A) There is hereby created the Federally Subsidized Housing Study Committee to be composed of the following members:

(1) Three members of the Senate, two of whom are members of the majority party and one of whom is a member of the minority party, appointed by the President of the Senate;

(2) Three members of the House of Representatives, two of whom are members of the majority party and one of whom is a member of the minority party, appointed by the Speaker of the House of Representatives;

(3) One member from each of the following, appointed by the Governor:

(a) The Ohio Bankers League;

(b) The Ohio Housing Council;

(c) The Ohio Homebuilders Association;

- (d) Ohio REALTORS;
- (e) The Ohio Insurance Institute;
- (f) The County Auditors Association of Ohio;
- (g) The Ohio School Boards Association;
- (h) The County Commissioners Association of Ohio;
- (i) The International Association of Assessing Officers. The person appointed from this Association shall be an Ohio resident;

(j) The Ohio Society of CPAs.

(B)(1) The Committee shall author a report making recommendations about the valuation and valuation process of federally subsidized residential rental property.

(2) The Committee shall submit the report to the President of the Senate, the Speaker of the House of Representatives, and the minority party leaders of the Senate and the House of Representatives not later than July 1, 2022.

(C) Members of the Committee shall serve at the pleasure of the appointing authority and without compensation.

(D) The Committee shall dissolve upon the submission of the report required under division (B) of this section."

In line 70267, reinsert everything after "(3)"

Reinsert line 70268

Reinsert line 70269

In line 70270, reinsert "(4)"

In line 70273, reinsert "(5)"; delete "(4)"

In line 70276, delete "(5)" and insert "(6)"

In line 70279, delete "(6)" and insert "(7)"

In line 70283, delete "(7)" and insert "(8)"

In line 70286, delete "(8)" and insert "(9)"

In line 70288, delete "(9)" and insert "(10)"

In line 70292, reinsert the stricken comma; delete the first "and"; reinsert "and (F)"; insert a comma after "(F)"

In line 70293, delete "(E)" and insert "(G)"

In line 70312, reinsert "(F)(2)"; delete "(E)(3)"

In line 70326, strike through "May" and insert "the most recent month"

Reinsert lines 70355 through 70415

In line 70416, reinsert "(E)"; delete "(D)"

In line 70428, reinsert "(F)"; delete "(E)"

In line 70439, reinsert "(F)(1)(a)"

In line 70440, delete "(E)(1)(a)"

In line 70444, reinsert "(F)(1)(b)"; delete "(E)(1)(b)"

In line 70448, delete "\$25 million" and insert "twenty-five million dollars for fiscal year 2022 and one hundred twenty-five million dollars for fiscal year 2023"

After line 70456, insert:

"(H) Divisions (C)(3) and (D) of this section are suspended beginning July 1, 2021, and ending June 30, 2023."

In line 92262, delete "\$5,560,656,874" and insert "\$5,596,556,874"

In line 92263, delete "\$13,583,428,306" and insert "\$13,647,528,306"

In line 92264, delete "\$19,144,085,180" and insert "\$19,244,085,180"

In line 92269, add \$35,900,000 to fiscal year 2023

In line 92270, add \$64,100,000 to fiscal year 2023

In line 92271, add \$100,000,000 to fiscal year 2023

In line 92296, add \$100,000,000 to fiscal year 2023

In line 100446, after "4301.43," insert "5165.15, 5165.151, 5165.25, 5165.26,"

In line 70457, after "(A)" insert "There is hereby established the nursing facility payment commission. The commission shall consist of the following members:

(1) Four members appointed by the speaker of the house of representatives, three from the majority party and one from the minority party;

(2) Four members appointed by the president of the senate, three from the majority party and one from the minority party.

(B) Appointments to the commission shall be made not later than December 31, 2021. In the event of a vacancy, a replacement member shall be appointed in the same manner as initial appointments. Members shall serve without compensation.

At the initial meeting, commission members shall elect one member from the majority party of the house of representatives and one member from the majority party of the senate to serve as joint co-chairpersons of the commission.

(C)"; delete "joint medicaid oversight committee" and insert "commission"

In line 70465, after "Code" insert ":

(4) Establishing a bed buyback program under which a nursing facility operator can permanently surrender one or more long-term care beds due to a decrease in bed utilization"

In line 70466, delete "joint medicaid"

In line 70467, delete "oversight committee" and insert "commission"

In line 70468, delete "the senate"

Delete lines 70469 through 70473

In line 70474, delete "and the medicaid director"

In line 70475, delete everything after "on"

Delete lines 70476 and 70477 and insert "the items listed under division (C) of this section."

In line 70482, strike through "each" and insert "only the direct care, ancillary and support, and tax"; strike through "center" and insert "centers"; after the period, insert "A nursing facility provider shall spend money received from the rebasing conducted in state fiscal year 2022 on the direct care, ancillary and support, and tax cost centers only."

In line 70483, delete everything after "(B)"

Delete lines 70484 through 70489

After line 70489, insert:

"A nursing facility provider shall spend seventy per cent of any additional dollars received by the provider as a result of a rebasing on direct care costs, including employee salaries. The department may recover any amounts that are not spent in accordance with this requirement. This requirement applies to the department's rebasing in fiscal year 2022 and all subsequent rebasings. The director shall adopt rules authorized under section 5165.02 of the Revised Code as necessary to implement this division, including to ensure that nursing facility operators spend at least seventy per cent of the additional dollars resulting from a rebasing on direct care costs."

In line 92262, delete "\$3,856,990,059 \$5,560,656,874" and insert "\$3,840,859,259 \$5,543,065,874"

In line 92263, delete "\$10,859,846,818 \$13,583,428,306" and insert "\$10,826,977,618 \$13,552,019,306"

In line 92264, delete "\$14,716,836,877 \$19,144,085,180" and insert "\$14,667,836,877 \$19,095,085,180"

In line 92269, subtract \$16,130,800 from fiscal year 2022 and \$17,591,000 from fiscal year 2023

In line 92270, subtract \$32,869,200 from fiscal year 2022 and

\$31,409,000 from fiscal year 2023

In line 92271, subtract \$49,000,000 from each fiscal year

In line 92296, subtract \$49,000,000 from each fiscal year

In line 92808, after ""nursing facility,"" insert ""provider,""

In line 92817, delete "\$174,000,000" and insert "\$125,000,000"

In line 92824, delete "division (C) of"

In line 92828, delete the semicolon

In line 92829, delete "(d) Capital costs"

In line 92832, delete everything after "(D)"

Delete lines 92833 through 92840 and insert "For state fiscal years 2022 and 2023, each nursing facility provider shall submit a report to the Department identifying the amounts spent on each cost center included in the rebasing under this section. Reports shall be submitted quarterly or at such other times as determined by the Department on a form prescribed by the Department.

(E) The Department may conduct a review of the reports required by division (D) of this section to determine whether the reported amounts comply with the requirements of that division and section 5165.36 of the Revised Code. A nursing facility provider shall reimburse to the Department any amounts, plus interest, spent on cost centers other than as permitted under division (D) of this section and section 5165.36 of the Revised Code.

(F) The Department may adopt rules authorized under section 5165.02 of the Revised Code as necessary to implement this section."

In line 100446, after "4301.43," insert "5165.36,"

In line 163 of the title, after "3709.291," insert "3721.081,"

In line 354, after "3709.291," insert "3721.081,"

After line 46504, insert:

"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 care setting until a threat to resident health or safety is resolved;

(c) Appointing a temporary administrator for a home for the duration of an order;

(d) Issuing any other order or taking any other action as necessary to protect the health or safety of residents of a home.

(2) The director shall not enter a home pursuant to this section unless the director provides the operator with notice at least twenty-four hours in advance.

(3) The director's authority to transfer residents under this section is subject to both of the following:

(a) If the reason for the transfer is due to an environmental condition affecting the home, the director may transfer only those residents directly affected by the environmental condition.

(b) If the reason for the transfer is due to a clinical condition that affects the entire home, the director may transfer all residents for the lesser of thirty calendar days or until the date that the condition is no longer affecting the home. If the condition persists longer than thirty calendar days, the director shall provide the home a notice regarding the reason for determining that the condition is still affecting the home. The home may request a hearing regarding the notice in accordance with this section.

(C) Any expenses incurred by a home to comply with an order issued under this section shall be borne by the home.

If a hearing is conducted in accordance with this section and the director is found to have acted in violation of this section, all reasonable expenses incurred by the home as a result of the director's action shall be reimbursed to the home by the department of health within ninety days after the date that the final adjudication order is issued.

(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.

(E) All fines 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.

(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.

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.

A home may appeal a final adjudication order in accordance with Chapter 119. of the Revised Code."

In line 154 of the title, delete "3107.019,"

In line 347, delete "3107.019,"

Delete lines 27476 through 27487

In line 94176, delete "\$129,197,392 \$133,138,934" and insert "\$132,197,392 \$136,138,934"

In line 94177, add \$3,000,000 to each fiscal year

In line 94194, add \$3,000,000 to each fiscal year

After line 94210, insert:

"ADOPTION PROCEEDINGS

Notwithstanding any provision of law to the contrary, of the foregoing appropriation item 019501, County Reimbursement, \$3,000,000 in each fiscal year shall be used to reimburse counties for the costs and expenses of providing legal representation to indigent persons in adoption proceedings."

In line 162 of the title, after "3375.011," insert 3376.01, 3376.02, 3376.03, 3376.04, 3376.05, 3376.06, 3376.07, 3376.08,"

In line 353, after "3375.011," insert "3376.01, 3376.02, 3376.03, 3376.04, 3376.05, 3376.06, 3376.07, 3376.08,"

After line 44637, insert:

Sec. 3376.01. As used in this chapter:

(A) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) "Private college" has the same meaning as in section 3365.01 of the Revised Code.

Sec. 3376.02. No state institution of higher education or private college shall uphold any rule, requirement, standard, or other limitation that prevents a student of that institution or college from fully participating in intercollegiate athletics because the student earns compensation as a result of the use of the student's name, image, or likeness. Earning compensation from the use of a student's name, image, or likeness shall not affect the student's scholarship eligibility or renewal.

Sec. 3376.03. An athletic association, conference, or other group or organization with authority over intercollegiate athletics, including the national collegiate athletic association or its successor organization, shall not do either of the following:

(A) Prevent a student of a state institution of higher education or private college from fully participating in intercollegiate athletics because the student earns compensation as a result of the use of the student's name, image, or likeness;

(B) Prevent a state institution of higher education or private college from fully participating in intercollegiate athletics because a student of that institution or college participating in intercollegiate athletics does either of the following:

(1) Uses the student's name, image, or likeness;

(2) Obtains professional representation in relation to contracts or legal matters regarding opportunities to earn compensation for use of the student's name, image, or likeness.

Sec. 3376.04. No state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics shall do any of the following:

(A) Provide a prospective student who intends to participate in intercollegiate athletics with compensation in relation to the prospective student's name, image, or likeness;

(B) Prevent a student who resides in this state and participates in intercollegiate athletics from obtaining professional representation in relation to contracts or legal matters regarding opportunities to be compensated for use of the student's name, image, or likeness;

(C) Interfere with or prevent a student from fully participating in intercollegiate athletics because the student obtains professional representation in relation to contracts or legal matters regarding opportunities to earn compensation for use of the student's name, image, or likeness.

Sec. 3376.05. A scholarship from a state institution of higher education or private college at which a student is enrolled is not compensation for use of the student's name, image, or likeness for purposes of this chapter. No state institution of higher education or private college

shall revoke or reduce a scholarship as a result of a student earning compensation for use of the student's name, image, or likeness if the student earns that compensation in accordance with this chapter.

Sec. 3376.06. (A) As used in this section:

(1) "Official team activities" means all games, practices, exhibitions, scrimmages, team appearances, team photograph sessions, sports camps sponsored by the institution or college, and other team-organized activities, regardless of whether the activity takes place on or off campus, including individual photograph sessions and news media interviews.

(2) "Student" means an individual enrolled at a state institution of higher education or private college who participates in intercollegiate athletics.

(B) A state institution of higher education's or private college's contract with a student shall not prevent the student from using the student's name, image, or likeness for a commercial purpose when the student is not engaged in official team activities.

(C) A student shall not enter into a contract providing compensation to the student for use of the student's name, image, or likeness that requires the student to display a sponsor's product, or otherwise advertise for a sponsor, during official team activities or any other time if that requirement is in conflict with a provision of a contract to which a state institution of higher education or private college is a party.

(D)(1) A student who intends to enter into a verbal or written contract providing compensation to the student for use of the student's name, image, or likeness shall disclose the proposed contract to an official of the state institution of higher education or private college for review by the institution or college. The institution or college shall designate an official to whom the student is to disclose the proposed contract.

(2) If a state institution of higher education or private college identifies a conflict between the proposed verbal or written contract described in division (D)(1) of this section and any existing provisions of a contract to which the institution or college is a party, the institution or college shall communicate to the student the relevant contract provision that is in conflict. The student shall not enter into the proposed contract, but the student may negotiate a revision to the proposed contract to avoid the conflict. The revised proposed contract is subject to review by the institution or college to ensure compliance with this chapter.

(E) A state institution of higher education or private college may establish reasonable policies or standards to address a student's failure to provide the disclosure required under division (D)(1) of this section or any other failure to comply with the requirements of this chapter.

Sec. 3376.07. A state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics may prohibit a student who participates in intercollegiate athletics from entering into a contract providing compensation to the student for use of the student's name, image, or likeness if under the contract the student's name, image, or likeness is associated with any of the following:

(A) Any company that manufactures, markets, or sells, or brand that is associated with, a controlled substance, marihuana product, medical marijuana product, alcoholic product, tobacco product, electronic smoking device, vapor product, or product or device that consists of or contains nicotine that can be ingested into the body;

(B) Any medical marijuana cultivator, processor, laboratory, or retail dispensary licensed under Chapter 3796. of the Revised Code or under the laws of another state;

(C) Any business engaged in the sale, rental, or exhibition for any form of consideration of adult entertainment that is characterized by an emphasis on the exposure or display of sexual activity;

(D) Any casino or entity that sponsors or promotes gambling activities;

(E) Any other category of companies, brands, or types of contracts that are similar to those described in divisions (A) to (D) of this section that the institution or college communicates to the student before the student enrolls at the institution or college.

Sec. 3376.08. Nothing in this chapter does any of the following:

(A) Requires a state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics to identify, create, facilitate, negotiate, or otherwise enable opportunities for a student to earn compensation for use of the student's name, image, or likeness;

(B) Establishes or grants to a student any right to use the name, trademarks, services marks, logos, symbols, or any other intellectual property, regardless of whether the intellectual property is registered with the appropriate authority, that belong to a state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics, to further the student's opportunities to earn compensation for use of the student's name, image, or likeness;

(C) Limits the rights of a state institution of higher education or private college to establish and enforce any of the following:

(1) Academic standards, requirements, regulations, or obligations for

its students;

(2) Team rules of conduct or other rules of conduct;

(3) Standards or policies regarding the governance or operation of or participation in intercollegiate varsity athletics;

(4) Disciplinary rules and standards generally applicable to all students of the institution or college."

In line 24 of the title, after "349.01," insert "351.021,"

In line 252, after "349.01," insert "351.021,"

After line 16415, insert:

"Sec. 351.021. (A) The resolution of the county commissioners creating a convention facilities authority, or any amendment or supplement to that resolution, may authorize the authority to levy one or both of the excise taxes authorized by division (B) of this section to pay the cost of one or more facilities; to pay principal, interest, and premium on convention facilities authority tax anticipation bonds issued to pay those costs; to pay the operating costs of the authority; to pay operating and maintenance costs of those facilities; and to pay the costs of administering the excise tax.

(B) The board of directors of a convention facilities authority that has been authorized pursuant to resolution adopted, amended, or supplemented by the board of county commissioners pursuant to division (A) of this section may levy, by resolution adopted on or before December 31, 1988, either or both of the following:

(1) Within the territory of the authority, an additional excise tax not to exceed four per cent on each transaction. The excise tax authorized by division (B)(1) of this section shall be in addition to any excise tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code, or division (B) (2) of this section.

(2) Within that portion of any municipal corporation that is located within the territory of the authority or within the boundaries of any township that is located within the territory of the authority, which municipal corporation or township is levying any portion of the excise tax authorized by division (A) of section 5739.08 of the Revised Code, and with the approval, by ordinance or resolution, of the legislative authority of that municipal corporation or township, an additional excise tax not to exceed nine-tenths of one per cent on each transaction. The excise tax authorized by division (B)(2) of this section may be levied only if, on the effective date of the levy specified in the resolution making the levy, the amount being levied pursuant to division (A) of section 5739.08 of the Revised Code by each municipal corporation or township in which the tax authorized by division (B)(2) of this section will be levied, when added to the amount levied under division (B)(2) of this section, does not exceed three per cent on each transaction. The excise

tax authorized by division (B)(2) of this section shall be in addition to any excise tax that is levied pursuant to section 5739.08 or 5739.09 of the Revised Code, or division (B)(1) of this section.

(C)(1) The board of directors of a convention facilities authority that is located in an eligible Appalachian county; that has been authorized pursuant to resolution adopted, amended, or supplemented by the board of county commissioners pursuant to division (A) of this section; and that is not levying a tax under division (B)(1) or (2) of this section may levy within the territory of the authority, by resolution adopted on or before December 31, 2005, an additional excise tax not to exceed three per cent on each transaction. The excise tax authorized under division (C)(1) of this section shall be in addition to any excise tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code.

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.

(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 commissioners' resolution is not approved at the election. A tax levied under division (C)(2) of this section is in addition to any tax levied under section 5739.09 of the Revised Code.

The board of directors of a convention facilities authority that levies an excise tax under division (C)(2) of this section may, by resolution adopted

by a majority of the members of the board on or before November 1, 2021, amend the resolution levying the tax to increase the rate of the tax by not more than an additional one per cent on each transaction. The resolution shall provide that all revenue from the increase in rate shall be used 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 rate increase.

(3) The board of directors of a convention facilities authority created between July 1, 2019, and December 31, 2019, by resolution adopted on or before December 30, 2020, 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 purposes described in division (A) of this section. This tax shall be in addition to any excise tax levied pursuant to this section or section 5739.08 or 5739.09 of the Revised Code. The resolution levying the tax shall not take effect sooner than ninety days after the convention facilities authority is created.

(D) The authority shall provide for the administration and allocation of an excise tax levied pursuant to division (B) or (C) of this section. All receipts arising from those excise taxes shall be expended for the purposes provided in, and in accordance with this section and section 351.141 of the Revised Code. An excise tax levied under division (B) or (C) of this section shall remain in effect at the rate at which it is levied for at least the duration of the period for which the receipts from the tax have been anticipated and pledged pursuant to section 351.141 of the Revised Code.

(E) Except as provided in division (B)(2) of this section, the levy of an excise tax on each transaction pursuant to sections 5739.08 and 5739.09 of the Revised Code does not prevent a convention facilities authority from levying an excise tax pursuant to division (B) or (C) of this section.

(F) A convention facilities authority located in a county with a population greater than eighty thousand but less than ninety thousand according to the 2010 federal decennial census that levies a tax under division (B) of this section may amend the resolution levying the tax to allocate a portion of the revenue from the tax for support of tourism-related sites or facilities and programs operated by the county or a municipal corporation within the county in which the authority is located or for the purpose of leasing lands for county fairs, erecting buildings for county fair purposes, making improvements on a county fairground, or for any purpose connected with the use of a county fairground or with the management thereof by the county in which the authority is located. The revenue allocated by the authority for such purposes in a calendar year shall not exceed twenty-five per cent of the total revenue from the tax in the preceding calendar year. Revenue allocated for such purposes that is not fully used by the end of the

calendar year may be carried forward for use in subsequent calendar years. Any amount carried forward does not count toward the limitation on the amount that may be allocated for such purposes in succeeding calendar years."

In line 80564, after "349.01," insert "351.021,"

In line 91807, delete "\$200,000 \$200,000" and insert "\$350,000 \$350,000"

In line 91809, add \$150,000 to each fiscal year

In line 91823, add \$150,000 to each fiscal year

In line 91831, delete "The" and insert "Of the"

In line 91832, after the comma insert "\$200,000 in each fiscal year"

After line 91837, insert:

"Of the foregoing appropriation item 005406, Law-Related Education, \$150,000 in each fiscal year shall be used to promote information about candidates running for Chief Justice or Justice of the Ohio Supreme Court or judge of a court of appeals who were nominated at a primary election to appear on the ballot at the general election with a political party designation. No funds shall be used for the endorsement or promotion of any candidate."

After line 99161, insert:

"Section 715.05. (A) As used in this section, "recreational trail" means a public trail that is used for hiking, bicycling, horseback riding, ski touring, canoeing, or other nonmotorized forms of recreational travel.

(B) No park district created under Chapter 1545. of the Revised Code and located in a county with not less than 220,000 and not more than 240,000 residents according to the most recent available federal decennial census shall appropriate property pursuant to Chapter 163. of the Revised Code for the purpose of providing a recreational trail.

(C) This section expires on July 1, 2026."

In line 40 of the title, delete "2301.27,"

In line 263, delete "2301.27,"

Delete lines 23962 through 24123

In line 80576, delete "2301.27,"

Delete lines 100473 and 100474

In line 94682, delete the first "\$1,000,000" and insert "\$0"

In line 94718, subtract \$1,000,000 from fiscal year 2022

In line 94745, subtract \$1,000,000 from fiscal year 2022

In line 94959, after the fourth period insert "Prior to the distribution

of funds from the foregoing appropriation item 235495, Northeast Ohio Medical University Dental School, the Northeast Ohio Medical University shall submit a plan describing the creation of its dental school to the Chancellor of Higher Education. If, after reviewing the plan, the Chancellor approves it, the Chancellor shall seek Controlling Board approval to disburse the funds."

In line 177 of the title, delete "940.39,"

In line 188 of the title, after "5741.032," insert "and"; delete ", and 6133.041"

In line 80646, delete "940.39,"

In line 80654, after "5741.032," insert "and"; delete the last comma

In line 80655, delete "and 6133.041"

In line 169 of the title, delete "5101.546, 5101.547, 5101.548,"

In line 358, delete "5101.546,"

In line 359, delete "5101.547, 5101.548,"

In line 62151, after the period delete the balance of the line

Delete lines 62152 through 62154

In line 62155, delete "5101.548 of the Revised Code."

In line 62166 reinsert "Adopt" and delete the balance of the line

In line 62167, delete "Revised Code."

Delete lines 62321 through 62382

In line 107 of the title, after "5104.31," insert "5104.34,"

In line 313, after "5104.31," insert "5104.34,"

After line 63455, insert:

"Sec. 5104.34. (A)(1) Each county department of job and family services shall implement procedures for making determinations of eligibility for publicly funded child care. Under those procedures, the eligibility determination for each applicant shall be made no later than thirty calendar days from the date the county department receives a completed application for publicly funded child care. Each applicant shall be notified promptly of the results of the eligibility determination. An applicant aggrieved by a decision or delay in making an eligibility determination may appeal the decision or delay to the department of job and family services in accordance with section 5101.35 of the Revised Code. The due process rights of applicants shall be protected.

To the extent permitted by federal law, the county department may make all determinations of eligibility for publicly funded child care, may contract with child care providers or child care resource and referral service

organizations for the providers or resource and referral service organizations to make all or any part of the determinations, and may contract with child care providers or child care resource and referral service organizations for the providers or resource and referral service organizations to collect specified information for use by the county department in making determinations. If a county department contracts with a child care provider or a child care resource and referral service organization for eligibility determinations or for the collection of information, the contract shall require the provider or resource and referral service organization to make each eligibility determination no later than thirty calendar days from the date the provider or resource and referral organization receives a completed application that is the basis of the determination and to collect and transmit all necessary information to the county department within a period of time that enables the county department to make each eligibility determination no later than thirty days after the filing of the application that is the basis of the determination.

The county department may station employees of the department in various locations throughout the county to collect information relevant to applications for publicly funded child care and to make eligibility determinations. The county department, child care provider, and child care resource and referral service organization shall make each determination of eligibility for publicly funded child care no later than thirty days after the filing of the application that is the basis of the determination, shall make each determination in accordance with any relevant rules adopted pursuant to section 5104.38 of the Revised Code, and shall notify promptly each applicant for publicly funded child care of the results of the determination of the applicant's eligibility.

The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code for monitoring the eligibility determination process. In accordance with those rules, the state department shall monitor eligibility determinations made by county departments of job and family services and shall direct any entity that is not in compliance with this division or any rule adopted under this division to implement corrective action specified by the department.

(2)(a) All eligibility determinations for publicly funded child care shall be made in accordance with rules adopted pursuant to division (A) of section 5104.38 of the Revised Code. Except as otherwise provided in this section, ~~both~~ all of the following apply:

(i) Publicly funded child care may be provided only to eligible infants, toddlers, preschool-age children, school-age children under age thirteen, or children receiving special needs child care.

(ii) For an applicant to be eligible for publicly funded child care, the caretaker parent must be employed or participating in a program of education

or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child care. This restriction does not apply to families whose children are eligible for protective child care.

(iii) The eligibility period for publicly funded child care shall be at least twelve months.

(b) In accordance with rules adopted under division (B) of section 5104.38 of the Revised Code, an applicant may receive publicly funded child care while the county department determines eligibility. An applicant may receive publicly funded child care while a county department determines eligibility only once during a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the child care provider shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division.

(c) If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the requirements of division (A) (2)(a)(ii) of this section, the caretaker parent may continue to receive publicly funded child care for a period of up to thirteen weeks at least three but not more than four months not to extend beyond the caretaker parent's ~~twelve-month~~ eligibility period.

(d) If a child turns thirteen, or if a child receiving special needs child care turns eighteen, during the ~~twelve-month~~ eligibility period, the caretaker parent may continue to receive publicly funded child care until the end of that ~~twelve-month~~ eligibility period.

Subject to available funds, the department of job and family services shall allow a family to receive publicly funded child care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child care is subject to available funds unless the family is receiving child care pursuant to division (A)(1), (2), (3), or (4) of section 5104.30 of the Revised Code. If the department must limit eligibility due to lack of available funds, it shall give first priority for publicly funded child care to an assistance group whose income is not more than the maximum income eligibility limit that received transitional child care in the previous month but is no longer eligible because the ~~twelve-month~~ eligibility period has expired. Such an assistance group shall continue to receive priority for publicly funded child care until its income exceeds the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the Ohio works first program established under Chapter 5107. of the Revised Code is eligible for transitional child care at any time during the immediately following

twelve-month period that both of the following apply:

- (a) The assistance group requires child care due to employment;
- (b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care.

(B) To the extent permitted by federal law, the department of job and family services may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. The department shall make protective child care services and homeless child care services available to children without regard to the income or assets of the caretaker parent of the child.

(C) A caretaker parent receiving publicly funded child care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training not later than ten calendar days after the change occurs.

(D) If the department of job and family services determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the department may establish a waiting list. The department may establish separate waiting lists within the waiting list based on income.

(E) A caretaker parent shall not receive publicly funded child care from more than one child care provider per child during a week, unless a county department grants the family an exemption for one of the following reasons:

- (1) The child needs additional care during non-traditional hours;
- (2) The child needs to change providers in the middle of the week and the hours of care provided by the providers do not overlap;
- (3) The child's provider is closed on scheduled school days off or on calamity days;
- (4) ~~The child is enrolled in a part-time program participating in the tiered quality rating and improvement system established under section 5104.29 of the Revised Code and needs care from an additional part-time provider.~~

(F) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code."

In line 80625, after "5104.31," insert "5104.34,"

In line 91649, delete "thirteen" and insert "fifteen"

In line 91665, after "(c)" insert "A director of a child support enforcement agency;

(d)"

In line 91673, after "(c)" insert "A director of a county workforce development agency;

(d)"

In line 155 of the title, after "3304.24," insert "3307.091,"

In line 348, after "3304.24," insert "3307.091,"

After line 29849, insert:

"Sec. 3307.091. (A) Notwithstanding division (C) of section 121.22 of the Revised Code, the state teachers retirement board may adopt a policy that allows a board member to attend a meeting of the board by means of teleconference or video conference. The board shall include in the policy, if adopted, both of the following:

(1) The number of regular meetings at which each board member shall be present in person, provided that number is not less than one-half of the regular meetings of the board annually;

(2) All of the following requirements with respect to a meeting in which a member attends by means of teleconference or video conference:

(a) That at least one-third of the board members attending the meeting shall be present in person at the physical location where the meeting is conducted;

(b) That all votes taken at the meeting shall be taken by roll call vote;

(c) That a board member who intends to attend a meeting by means of teleconference or video conference shall notify the chairperson of that intent not less than forty-eight hours before the meeting, except in the case of an emergency as defined in the policy.

(B) Notwithstanding division (C) of section 121.22 of the Revised Code, a board member who attends a meeting by means of teleconference or video conference is considered present in person at the meeting, may vote at the meeting, and is counted for purposes of determining whether a quorum is present at the meeting.

(C) At any meeting in which a board member attends by means of teleconference or video conference, the board shall ensure that the public can hear and, if the means of attendance technologically permits it, to observe, the discussions and deliberations of all the members of the board, whether the member is participating in person or electronically.

(D) Except as provided in this section, no person shall do any of the

following:

(1) Limit the number of board members who may attend a meeting by means of teleconference or video conference;

(2) Limit the total number of meetings that the board may allow members to attend by means of teleconference or video conference;

(3) Limit the number of meetings at which any one board member may attend by means of teleconference or video conference;

(4) Impose other limits or obligations on a board member because the board member attends a meeting by means of teleconference or video conference."

In line 76 of the title, delete "3501.01,"; delete "3505.03, 3505.04,"

In line 77 of the title, delete "3513.257,"

In line 290, delete "3501.01,"; delete "3505.03, 3505.04, 3513.257,"

Delete lines 44638 through 44829

Delete lines 44853 through 45141

In line 80602, delete "3501.01,"; delete "3505.03, 3505.04, 3513.257,"

In line 93001, delete "\$12,294,149" and insert "\$12,299,149"

In line 93002, add \$5,000 to fiscal year 2022

In line 93003, add \$5,000 to fiscal year 2022

After line 93003, insert:

"Section 335.20. OPERATING EXPENSES

Of the foregoing appropriation item 883609, Operating Expenses, up to \$5,000 in fiscal year 2022 shall be used to create a brochure or other educational materials regarding the right of conscience established in section 4743.10 of the Revised Code. Any materials developed shall be made available on the State Medical Board's web site."

In line 77731, reinsert "The"; delete "For the first"

Delete line 77732

In line 77734, after "~~cent~~" insert "1.38462%"; reinsert "for the"

In line 77735, reinsert "first"; after "~~twenty-one~~" insert "twenty-five"; reinsert "thousand"; reinsert "dollars of such"

In line 77736, reinsert "income"; delete "1.37774% for taxable years beginning in 2021 and 1.35643%"

In line 77737, delete "for taxable years beginning in 2022 and thereafter"

In line 77747, delete "twenty-two" and insert "twenty-five"; delete

"one"; strike through "hundred fifty"

In line 77749, delete "twenty-two" and insert "twenty-five"

In line 77750, delete "one"; strike through "hundred fifty"

Delete line 77751

In line 77753, delete "22,150" and insert "25,000"; delete "305.17" and insert "346.16"; delete "2.750" and insert "2.765"

In line 77753b, delete "22,150" and insert "25,000"

In line 77754, delete "912.92" and insert "878.42"; delete "3.210" and insert "3.226"

In line 77755, delete "2,331.74" and insert "2,304.31"

In line 77755a, delete "3.669" and insert "3.688"

In line 77756, strike through "but"; delete "3,146.26" and insert "3,123.05"

In line 77756a, strike through "not more than \$"; delete "221,300"; delete "4.259" and insert "3.990"

In line 77757, strike through "More than \$"; delete "221,300"; strike through the second "\$"; delete "7,858.84"; strike through "plus"

In line 77757a, delete "4.629"; strike through "% of the amount in excess of"

In line 77757b, strike through "\$"; delete "221,300"

Delete lines 77758 through 77764a

In line 77844, delete "twenty-two" and insert "twenty-five"

In line 77845, delete "one"; strike through "hundred fifty"

In line 100344, delete "or 2022"

In line 100346, after "or" insert "make adjustments in 2021 or 2022 to"

In line 45695, delete "does not teach or provide instruction."

Delete lines 45696 through 45701

In line 45702, delete "(iii) The physician"

In line 45704, delete "(iv)" and insert "(ii)"

In line 45706, delete "(v)" and insert "(iii)"

In line 78661, delete "(A) As used in this section."

Delete lines 78662 through 78667

In line 78668, delete "(B)"

In line 78673, delete "may not exceed"

Delete line 78674

In line 78675, delete "taxpayer's family size" and insert "must be less than one hundred thousand dollars"

In line 78676, delete "two thousand five hundred dollars or"

In line 78679, after "school" insert "or the following amount, as applicable:

(A) If the taxpayer's or, if filing a joint return, the taxpayer's and the taxpayer's spouses' total income is less than fifty thousand dollars for the taxable year, five hundred dollars;

(B) If the taxpayer's or, if filing a joint return, the taxpayer's and the taxpayer's spouses' total income equals or exceeds fifty thousand dollars but is less than one hundred thousand dollars for the taxable year, one thousand dollars"

In line 96721, after "2022" insert "from the General Revenue Fund"

In line 174 of the title, delete "and"; after "5747.75" insert ", and 5747.79"

In line 362, delete "and"; after "5747.75" insert ", and 5747.79"

After line 77145, insert:

"(34) Deduct amounts as provided under section 5747.79 of the Revised Code related to the taxpayer's qualifying capital gains and deductible payroll.

To the extent a qualifying capital gain described under division (A) (34) of this section is business income, the taxpayer shall deduct those gains under this division before deducting any such gains under division (A)(28) of this section."

In line 77704, strike through "division" and insert "divisions"; after "(A)(28)" insert "and (34)"

After line 78681, insert:

"Sec. 5747.79. (A) As used in this section and division (A)(34) of section 5747.01 of the Revised Code:

(1) "Qualifying capital gain" means a capital gain from the sale of an interest in an entity reported for the taxable year to the internal revenue service pursuant to the Internal Revenue Code, to the extent that such capital gain is not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, provided that all of the following apply:

(a) The taxpayer that sold the interest either:

(i) Materially participated in the activities of the entity for the five years immediately preceding the time of sale. For the purposes of this division, a taxpayer materially participates in the activities of the entity if the

taxpayer meets the requirements of divisions (a)(1), (2), (3), (4), or (7) of 26 C.F.R. 1.469-5T.

(ii) Directly or indirectly made a venture capital investment of at least one million dollars in the entity. As used in this division, "venture capital investment" has the same meaning as in division (d)(3) of 29 C.F.R. 2510.3-101.

(b) The entity is incorporated, registered, or organized in this state during the five years immediately preceding the time of sale.

(c) The entity is headquartered in this state during the five years immediately preceding the time of sale.

(2) A "sale of an interest in an entity" includes the sale, exchange, or other disposition of stock, a membership interest, or any other equity or ownership interest, owned directly or indirectly by the taxpayer, in an entity that conducts a trade or business in this state.

(3) "Qualifying payroll" means the amount of compensation used to determine the withholding obligations in division (A) of section 5747.06 of the Revised Code and paid over one of the following periods by the entity whose sale generated the qualifying capital gain:

(a) The five calendar years immediately preceding the time of sale for a taxpayer described in division (A)(1)(a)(i) of this section;

(b) The investment period, not to exceed the five calendar years, immediately preceding the time of sale for a taxpayer described in division (A)(1)(a)(ii) of this section.

"Qualifying payroll" does not include any amounts paid to the taxpayer, or the taxpayer's spouse, parents, grandparents, children, or grandchildren.

(4) "Deductible payroll" means the qualifying payroll of the entity in which a taxpayer sold an ownership interest multiplied by the percentage of the interest in the entity the taxpayer sold.

(B) In computing Ohio adjusted gross income for taxable years beginning in or after 2026, a deduction from federal adjusted gross income is allowed to a taxpayer that realizes a qualifying capital gain during the taxable year. The deduction shall equal the lesser of the taxpayer's qualifying capital gain or the deductible payroll.

(C) If a taxpayer has multiple capital gains from the sale of interests in different entities during the taxable year, the following apply:

(1) Each capital gain must meet the requirements of divisions (A)(1)(a) to (c) of this section to be classified as a qualifying capital gain.

(2) The deduction shall equal the lesser of the taxpayer's qualifying capital gain from the sale of each entity or the deductible payroll attributable

to that entity. The deduction amounts related to each entity shall then be aggregated to determine the total deduction allowed.

(D) On request of the tax commissioner, the taxpayer shall provide any information that, in the commissioner's opinion, is necessary to establish the amount deducted under division (A)(34) of section 5747.01 of the Revised Code."

In line 95 of the title, after "4511.191," insert "4513.601, 4513.62,"

In line 120 of the title, after "5301.21," insert "5322.01, 5322.02, 5322.03,"

In line 166 of the title, after "4303.237," insert "4505.104, 4513.602, 4513.603,"

In line 304, after "4511.191," insert "4513.601, 4513.62,"

In line 323, after "5301.21," insert "5322.01, 5322.02, 5322.03,"

In line 356, after "4303.237," insert "4505.104, 4513.602, 4513.603,"

After line 56823, insert:

"Sec. 4505.104. (A) A towing service or storage facility that is in possession of a motor vehicle may obtain a certificate of title to the vehicle as provided in division (B) of this section if all of the following apply:

(1) The motor vehicle was towed or stored pursuant to section 4513.60, 4513.61, or 4513.66 of the Revised Code.

(2) A search was made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle.

(3) Upon obtaining the identity in division (A)(2) of this section, notice was sent to the last known address of the owner and any lienholder, by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner and lienholder that the towing service or storage facility will obtain title to the motor vehicle if not claimed within sixty days after the date the notice was received.

(4) The motor vehicle has been left unclaimed for sixty days after one of the following:

(a) The date the notice sent under division (A)(3) of this section was received, as evidenced by a receipt signed by any person;

(b) The date the towing service or storage facility received notification that the delivery of the notice sent under division (A)(3) of this section was not possible.

(5) A sheriff, chief of police, or state highway patrol trooper, as applicable, has made a determination that the vehicle or items in the vehicle are not necessary to a criminal investigation.

(6) An agent of the towing service or storage facility executes an affidavit, in a form established by the registrar of motor vehicles not later than ninety days after the effective date of this section, affirming that conditions in divisions (A)(1) to (5) of this section are met.

(B) The clerk of court shall issue a certificate of title, free and clear of all liens and encumbrances, to the towing service or storage facility that presents an affidavit that affirms that the conditions in divisions (A)(1) to (5) of this section are met.

(C) After obtaining title to a motor vehicle under this section, the towing service or storage facility shall retain any money arising from the disposal of the vehicle.

(D) A towing service or storage facility that obtains title to a motor vehicle under this section shall notify the entity that ordered the motor vehicle into storage that the motor vehicle has been so disposed. The towing service or storage facility shall provide the notice on the last business day of the month in which the service or facility obtained title to the motor vehicle.

(E) As used in this section, "towing service or storage facility" means any for-hire motor carrier that removes a motor vehicle under the authority of section 4513.60, 4513.61, or 4513.66 of the Revised Code and any place to which such a for-hire motor carrier delivers a motor vehicle towed under those sections."

After line 57526, insert:

"Sec. 4513.601. (A) The owner of a private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:

(1) The owner of the private property posts on the property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property, and that includes all of the following information:

(a) A statement that the property is a tow-away zone;

(b) A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include on the sign the address of the property on which the private tow-away zone is located or the name of the business that is located on the property designated as a private tow-away zone.

(c) If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;

(d) The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;

(e) A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in division (B) of section 4505.101 of the Revised Code.

In order to comply with the requirements of division (A)(1) of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

(2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:

(a) It is located within twenty-five linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within twenty-five linear miles.

(b) It is well-lighted.

(c) It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.

(B)(1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (A) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in section 4505.101 of the Revised Code. The owner or lienholder of a vehicle that has been removed under this section, subject to division (C) of this section, may recover the vehicle in accordance with division (G) of this section.

(2) If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of a private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to division (B) of this section by an unlicensed tow truck or unlicensed tow truck operator.

(3) No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.

(C) If the owner or operator of a vehicle that is being removed under authority of division (B) of this section arrives after the vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.

(D)(1) Prior to towing a vehicle under division (B) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under division (A) of this section.

The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least thirty days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.

(2) A towing service shall deliver a vehicle towed under division (B) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(E)(1) If an owner of a private property that is established as a private tow-away zone in accordance with division (A) of this section causes the removal of a vehicle from that property by a towing service under division

(B) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the sheriff of the county or the police department of the municipal corporation, township, port authority, or township or joint police district in which the property is located concerning all of the following:

- (a) The vehicle's license number, make, model, and color;
- (b) The location from which the vehicle was removed;
- (c) The date and time the vehicle was removed;
- (d) The telephone number of the person from whom the vehicle may be recovered;
- (e) The address of the place from which the vehicle may be recovered.

(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, or township or joint police district shall maintain a record of any vehicle removed from private property in the sheriff's or chief's jurisdiction that is established as a private tow-away zone of which the sheriff or chief has received notice under this section. The record shall include all information submitted by the towing service. The sheriff or chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.

(F)(1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. The registrar of motor vehicles shall ensure that such information is provided in a timely manner. Subject to division (F)(4) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:

(a) Within five business days after the registrar of motor vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt;

(b) If the vehicle remains unclaimed thirty days after the first notice is sent, in the manner required under division (F)(1)(a) of this section;

~~(c) If the vehicle remains unclaimed forty-five days after the first notice is sent, in the manner required under division (F)(1)(a) of this section.~~

(2) Sixty days after any notice sent pursuant to division (F)(1) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under division (B) of section 4505.101 of the Revised Code, may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.

(3) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under division (B) of section 4505.101 of the Revised Code.

(4) With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under section 4505.101 of the Revised Code, the towing service or storage facility need only comply with the initial notice required under division (F)(1)(a) of this section.

(G)(1) The owner or lienholder of a vehicle that is removed under division (B) of this section may reclaim it upon both of the following:

(a) Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement;

(b) Payment of the following fees:

(i) All applicable fees established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under division (F)(1)(a) of this section;

(ii) If notice has been sent to the owner and lienholder as described in division (F) of this section, a processing fee of twenty-five dollars.

(2) A towing service or storage facility in possession of a vehicle that is removed under authority of division (B) of this section shall show the vehicle owner, operator, or lienholder who contests the removal of the vehicle all photographs taken under division (D) of this section. Upon request, the towing service or storage facility shall provide a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.

(3) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under section 4513.611 of the Revised Code.

(4) Upon presentation of proof of ownership, which may be

evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement, the owner of a vehicle that is removed under authority of division (B) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of division (G)(4) of this section, "personal items" do not include any items that are attached to the vehicle.

(H) No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under this section or store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.

(I) This section does not affect or limit the operation of section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code as they relate to property other than private property that is established as a private tow-away zone under division (A) of this section.

(J) Whoever violates division (H) of this section is guilty of a minor misdemeanor.

(K) As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:

- (1) Any person who holds title to the property;
- (2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;
- (3) A person who is authorized to manage the property;
- (4) A duly authorized agent of any person listed in divisions (K)(1) to (3) of this section.

Sec. 4513.602. (A) As used in this section and section 4513.603 of the Revised Code:

(1) "Motor vehicle dealer" has the same meaning as in section 4517.01 of the Revised Code.

(2) "Repair facility" means any business with which a person has entered into an agreement to repair a vehicle.

(3) "Towing service" means any for-hire motor carrier that removes a motor vehicle from a motor vehicle dealer or repair facility.

(4) "Storage facility" means any place to which a towing service delivers a motor vehicle from a motor vehicle dealer or repair facility.

(B) A motor vehicle dealer or repair facility that is in possession of a motor vehicle may cause the removal of the motor vehicle by a towing

service if all of the following apply:

(1) A search was made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle.

(2) Upon obtaining the identity under division (B)(1) of this section, notice was sent to the owner's and any lienholder's last known address by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt, and the notice informs the owner and any lienholder of the following:

(a) The address where the motor vehicle is located;

(b) That the motor vehicle dealer or repair facility will cause the vehicle to be towed if not claimed within fourteen calendar days after either the date the notice was received or the date the motor vehicle dealer or repair facility receives notification that delivery was not possible;

(c) That a towing service that removes the motor vehicle or a storage facility that stores the motor vehicle may obtain title to it under section 4513.603 of the Revised Code.

(3) The motor vehicle has been left unclaimed for fourteen days after one of the following:

(a) The date the notice sent under division (B)(2) of this section was received, as evidenced by a receipt signed by any person;

(b) The date the motor vehicle dealer or repair facility received notification that the delivery of the notice sent under division (B)(2) of this section was not possible.

The procedure described in division (B) of this section applies regardless of who leaves the motor vehicle on the motor vehicle dealer's property or the repair facility's property.

(C) A motor vehicle owner's or lienholder's failure to remove the vehicle from the property within the time period specified in division (B)(3) of this section constitutes consent to all of the following:

(1) The motor vehicle's removal and storage;

(2) The payment of any charges incurred for the removal and storage of the motor vehicle;

(3) The right of a towing service that removes the motor vehicle or storage facility that stores the motor vehicle to obtain title to the motor vehicle under section 4513.603 of the Revised Code.

(D) After a motor vehicle has been removed by a towing service, a motor vehicle owner or lienholder may reclaim the motor vehicle from the towing service or storage facility that is in possession of the motor vehicle if all of the following apply:

(1) The owner presents proof of ownership evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement.

(2) The owner or lienholder makes payment of any charges incurred for the removal and storage of the motor vehicle.

(3) Title to the motor vehicle has not been issued to the towing service or storage facility under section 4513.603 of the Revised Code.

(E) Any towing service that removes a motor vehicle under this section shall not charge a fee greater than those established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code.

(F)(1) Any motor vehicle dealer, repair facility, towing service, or storage facility that complies with this section is not liable for any damage, claim of conversion, or any other claim resulting from the removal, towing, or storage of the motor vehicle.

(2) A motor vehicle dealer or repair facility does not forego, release, or otherwise relinquish any legal recourse or right of action against a titled owner or lienholder of a motor vehicle by causing the vehicle to be removed under division (B) of this section, unless possession of the motor vehicle is required for the cause of action.

Sec. 4513.603. (A) A towing service or storage facility that is in possession of a motor vehicle obtained under section 4513.602 of the Revised Code may obtain a certificate of title to the motor vehicle, regardless of the motor vehicle's value, as provided in division (B) of this section if all of the following apply:

(1) A search was made by the towing service or storage facility of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle.

(2) Upon obtaining the identity in division (A)(1) of this section, the towing service or storage facility sent notice to the owner's and any lienholder's last known address, by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt, that informs the owner and any lienholder that the towing service or storage facility will obtain title to the motor vehicle if not claimed within sixty days after the date the notice was received.

(3) The motor vehicle has been left unclaimed for sixty days after one of the following:

(a) The date the notice sent under division (A)(2) of this section was received, as evidenced by a receipt signed by any person;

(b) The date the towing service or storage facility receives notification that the delivery of the notice sent under division (A)(2) of this

section was not possible.

(4) An agent of the towing service or storage facility executes an affidavit, in a form established by the registrar of motor vehicles not later than ninety days after the effective date of this section, affirming that conditions in divisions (A)(1) to (3) of this section are met.

(B) The clerk of court shall issue a certificate of title, free and clear of all liens and encumbrances, to a towing service or storage facility that presents an affidavit that affirms that the conditions in divisions (A)(1) to (3) of this section are met.

(C) After obtaining title to a motor vehicle under this section, the towing service or storage facility may retain any money arising from the disposal of the vehicle.

Sec. 4513.62. ~~Unclaimed~~ An unclaimed motor vehicles vehicle ordered into storage pursuant to division (A)(1) of section 4513.60 or section 4513.61 of the Revised Code ~~shall be disposed of at the order of the is~~ subject to one of the following:

(A) The sheriff of the county or the chief of police of the municipal corporation, township, port authority, or township or joint police district to may dispose of it with a motor vehicle salvage dealer or scrap metal processing facility as defined in section 4737.05 of the Revised Code, ~~or to with~~ any other facility owned by or under contract with the county, municipal corporation, port authority, or township, for the disposal of such motor vehicles, ~~or shall be sold by the.~~

(B) The sheriff, chief of police, or a licensed auctioneer may sell the motor vehicle at public auction, after giving notice thereof by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code. ~~Any~~

(C) A towing service or storage facility may obtain title to the motor vehicle in accordance with section 4505.104 of the Revised Code.

Any moneys accruing from the disposition of an unclaimed motor vehicle accrued pursuant to division (A) or (B) of this section that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the general fund of the county, municipal corporation, port authority, township, or joint police district, as the case may be."

After line 70901, insert:

"Sec. 5322.01. As used in sections 5322.01 to 5322.05 of the Revised Code:

(A) "Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:

(1) The occupants have access to the storage space only for the purpose of storing and removing personal property.

(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.

"Self-service storage facility" does not include any garage used principally for parking motor vehicles, any garage or storage area in a private residence, an establishment licensed pursuant to sections 915.14 to 915.24 of the Revised Code, or any property of a bank or savings and loan association that contains vaults, safe deposit boxes, or other receptacles for the uses, purposes, and benefits of the bank's or savings and loan association's customers.

(B) "Owner" means a person that is ~~either the owner or operator of a self-service storage facility or, the lessor or sublessor of an entire self-service storage facility and that receives~~ the agent of any of the foregoing, or any other person authorized by any of the foregoing to manage the facility or to receive rent from an occupant pursuant to a rental agreement ~~that the person enters into with the occupant.~~

(C) "Occupant" means a person that rents storage space at a self-service storage facility pursuant to a rental agreement that the person enters into with the owner.

(D) "Rental agreement" means any written agreement that is entered into by the owner and the occupant and that establishes the terms and conditions of the occupant's use of storage space at a self-service storage facility.

(E) "Personal property" means money and every animate or inanimate tangible thing that is the subject of ownership, except anything forming part of a parcel of real estate, as defined in section 5701.02 of the Revised Code, and except anything that is an agricultural commodity, as defined in division (A) of section 926.01 of the Revised Code.

(F) "Late fee" means any fee or charge assessed for an occupant's failure to pay rent when due. "Late fee" does not include interest on a debt, reasonable expenses incurred in the collection of unpaid rent, or costs associated with the enforcement of any other remedy provided by statute or contract.

(G) "Last known address" means either of the following:

(1) The mailing address or electronic mail address provided by the occupant in the most recent rental agreement or the mailing address or electronic mail address provided by the occupant in a subsequent written notice of a change of address;

(2) The mailing address or electronic mail address of any of the

persons described in division (A) of section 5322.03 of the Revised Code that is provided by any of those persons to the owner of a self-service storage facility or that is discovered by the owner of a self-service storage facility.

Sec. 5322.02. (A) The owner of a self-service storage facility has a lien against the occupant on the personal property stored pursuant to a rental agreement in any storage space at the self-service storage facility, or on the proceeds of the personal property subject to the defaulting occupant's rental agreement in the owner's possession, for rent, labor, late fees, or other charges in relation to the personal property that are specified in the rental agreement and that have become due and for expenses necessary for the preservation of the personal property or expenses reasonably incurred in the enforcement of the lien or in the sale or other disposition of the personal property pursuant to law. The owner's lien provided for in this section is also effective against the following persons:

(1) A person who has an unfiled security interest in the personal property, except that the owner's lien is not effective against a person who has a valid security interest in a motor vehicle or a valid security interest in a watercraft, whether or not the security interest in the motor vehicle or watercraft is filed;

(2) A person who meets both of the following requirements:

(a) The person has a legal interest in the personal property, a filed security interest in the personal property, or a valid security interest in the personal property that is a motor vehicle.

(b) The person consents in writing to the storage of the personal property.

(B) The owner's lien created by division (A) of this section attaches as of the date the personal property is brought to the self-service storage facility. An owner loses the owner's lien on any personal property that the owner voluntarily permits to be removed from the self-service storage facility or unjustifiably refuses to permit to be removed from the self-service storage facility.

Sec. 5322.03. An owner's lien created by division (A) of section 5322.02 of the Revised Code for a claim that has become due may be enforced only as follows:

(A) The following persons shall be notified in accordance with divisions (B) and (C) of this section:

(1) All persons whom the owner has actual knowledge of and who claim an interest in the personal property;

(2) All persons holding liens on any motor vehicle or watercraft amongst the property;

(3) All persons who have filed security agreements in the name of the

occupant evidencing a security interest in the personal property with either the secretary of state or the county recorder of the county in which the self-service storage facility is located or the Ohio county of the last known address of the occupant.

(B)(1) The notice shall be delivered in person, sent by certified mail, sent by electronic mail, or sent by first-class mail or private delivery service with a certificate or verification of mailing to the last known address of each person who is required to be notified by division (A) of this section;

(2) If the notice is sent by electronic mail, then the notice shall also be sent via either certified or first-class mail to the last known address of each person who is required to be notified by division (A) of this section.

(C) The notice shall include all of the following:

(1) The name and last known address of the occupant who rented the storage space in which the personal property was stored;

(2) An itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;

(3) A brief and general description of the personal property subject to the lien. The description shall be reasonably adequate to permit the person notified to identify it except that any container including, but not limited to, a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner that deters immediate access to its contents and that has not been opened by the owner prior to the date on which the notice is given may be described as such without describing its contents.

(4) A notice of denial of access to the personal property, if a denial of access is permitted under the terms of the rental agreement, which notice provides the name, street address, and telephone number of the person whom the person notified may contact to pay the claim and to either obtain the personal property or enter into a rental agreement for the storage of the personal property;

(5) A demand for payment within a specified time not less than ten days after delivery of the notice;

(6) A conspicuous statement that unless the claim is paid within that time the personal property will be advertised for sale and will be sold by auction ~~at a specified time and place~~ and that, if no person purchases the personal property at the auction, the personal property may be sold at a private sale or destroyed;

(7) The street or internet address of the place at which the sale will be held, if the sale will be held at a place other than the self-service storage facility in which the personal property was stored.

(D)(1) Any notice given pursuant to this section ~~shall be presumed delivered, if the notice~~ that is sent by first-class mail or private delivery

service with a certificate or verification of mailing; shall be deemed delivered when it is deposited with the United States postal service or private delivery service and properly addressed with proper postage prepaid.

(2) Any notice given pursuant to this section that is sent by electronic mail shall be deemed delivered when it is properly addressed and sent.

(E) The sale of the personal property shall conform to the terms of the notice as provided for in this section.

(F) The sale of the personal property ~~shall~~ may be held at the self-service storage facility or, if the street or internet address of the place was included in the notice as required by division (C)(7) of this section, on the internet or at the nearest suitable place to the self-service storage facility at which the personal property is stored.

(G) After the expiration of the time given in the notice, an advertisement of the sale shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county in which the self-service storage facility is located or any other commercially reasonable manner. The manner of advertisement shall be deemed commercially reasonable if at least three independent bidders register for, view, or attend the sale ~~at the time and place advertised~~. The advertisement shall include all of the following:

(1) A brief and general description of the personal property as required by division (C)(3) of this section, except that the description shall describe the contents of any trunk, valise, or box that is locked, fastened, sealed, or tied in a manner that deters immediate access to its contents, if the trunk, valise, or box is opened by the owner prior to the date on which the advertisement of sale is published;

(2) The name and last known address of the occupant who rented the storage space in which the personal property was stored;

(3) The street address of the self-service storage facility;

(4) The time, place, and manner of the sale.

The sale shall take place at least fifteen days after the first publication.

(H)(1) Any person who has a security interest in, or who holds a lien against, a motor vehicle or watercraft may pay the amount necessary to satisfy the lien created by division (A) of section 5322.02 of the Revised Code and the reasonable expenses incurred under this section. That person, upon payment of the amount necessary to satisfy the lien plus expenses, may enter into a new rental agreement for the storage of the motor vehicle or watercraft. Any person who presents proof of a security interest in or lien on a motor vehicle or watercraft or a court order authorizing the person to take possession of a motor vehicle or watercraft may immediately remove the

motor vehicle or watercraft from the self-service storage facility without satisfying the lien or expenses of the owner.

(2) Before any sale of personal property other than a motor vehicle or watercraft pursuant to this section, any person who has a legal interest or a security interest in, or who holds a lien against, any personal property other than a motor vehicle or watercraft may pay the amount necessary to satisfy the lien created by division (A) of section 5322.02 of the Revised Code and the reasonable expenses incurred under this section and remove the personal property in which the person has the interest or against which the person holds the lien. After removal of all the personal property, including any motor vehicle or watercraft, from the storage space of the self-service storage facility by any means under this section, ~~any person can~~ the owner may enter into a rental agreement ~~for the storage of personal property with the owner with a new occupant for the storage space~~, and the owner has no obligation to the prior occupant of that storage space ~~in the self-service storage facility. Before entering into a new rental agreement, the owner must have any motor vehicle or watercraft towed from that storage space.~~

(3) Upon receipt of the payment from a person other than the occupant, the owner ~~shall~~ may, at the owner's sole discretion, enter into a new rental agreement for the storage of the personal property or, if the person meets the conditions set forth in division (H)(2) of this section, shall permit the person to remove the personal property from the self-service storage facility.

(4) If the occupant pays the amount necessary to satisfy the lien created by division (A) of section 5322.02 of the Revised Code and the reasonable expenses incurred under this section, the occupant shall immediately remove all of the occupant's personal property from the self-service storage facility, unless the owner of the self-service storage facility agrees to enter into a new rental agreement for the storage of the property.

(I)(1) If property on which there is a lien under division (A) of section 5322.02 of the Revised Code is not sold at auction, but is claimed under division (H) of this section and the owner's lien is satisfied, then all legal or security interest in, or any other liens held against, the property shall remain intact.

(2) A purchaser at auction in good faith, except an owner or an owner's agent, of the personal property sold to satisfy an owner's lien created by division (A) of section 5322.02 of the Revised Code takes the property free and clear of any rights of persons against whom the lien was valid, or any persons who had an interest in, or who held, any other lien against the property, despite noncompliance by the owner with the requirements of this section.

(J) The owner may examine any personal property to be sold pursuant

to this section. The examination may include, but is not limited to, the opening of any trunk, valise, box, or other container that is locked, fastened, sealed, tied, or otherwise closed in a manner that deters immediate access to its contents.

(K)(1) If the property upon which the lien created under division (A) of this section is claimed is a motor vehicle or a watercraft, the owner shall have the motor vehicle or watercraft towed from the premises if any of the following circumstances applies:

(a) The notice was delivered or sent pursuant to division (B) of this section to all persons holding a lien on the motor vehicle or watercraft, and thirty days have elapsed since the notice was delivered or sent without a response from any of those persons.

(b) Rent and other charges related to the property remain unpaid or unsatisfied by the occupant for sixty days, and no lien holders have been identified.

(c) The owner is planning to hold a sale at auction of the personal property that was stored in the self-service storage unit with that motor vehicle or watercraft, in which case the motor vehicle or watercraft shall be towed prior to the auction.

(2) The owner shall not be liable for the motor vehicle or watercraft or any damages to the motor vehicle or watercraft once the tower takes possession of the property. The notice delivered or sent pursuant to division (B) of this section to all persons holding a lien on the motor vehicle or watercraft shall include the name of the towing company. The name and the address of the towing company shall also be made available to the occupant or any lien holder upon the presentation of a document of title or another document that confirms an interest in the motor vehicle or watercraft.

(L) The owner may satisfy the owner's lien from the proceeds of any sale held pursuant to this section, but shall mail the balance, if any, by certified mail, or by first class mail or private delivery service with a certificate or verification of mailing, to the occupant at the occupant's last known mailing address. If the balance is returned to the owner after the owner mailed the balance by certified mail, first class mail, or private delivery service to the occupant or if the mailing address of the occupant is not known, the owner shall hold the balance for two years after the date of the sale for delivery on demand to the occupant or to any other person who would have been entitled to possession of the personal property. After the expiration of the two-year period, the balance shall become unclaimed funds, as defined in division (B) of section 169.01 of the Revised Code, and shall be disposed of pursuant to Chapter 169. of the Revised Code.

(M) An owner may buy at any public sale held pursuant to this section.

(N) The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against a debtor.

(O)(1) If the owner complies with the requirements for sale under this section, the owner's liability to persons who have an interest in the personal property sold is limited to the balance of the proceeds of the sale after the owner has satisfied the owner's lien.

(2) The owner is liable for damages caused by the failure to comply with the requirements for sale under this section and is liable for conversion for willful violation of the requirements for sale under this section.

(P) If no person purchases the personal property at the auction and if the owner has complied with this section, the owner may do any of the following:

(1) Advertise and sell the personal property pursuant to divisions (F) to (O) of this section;

(2) Sell the personal property at a private sale;

(3) Dispose of the personal property in any manner considered appropriate by the owner including, but not limited to, destroying the personal property."

In line 80616, after "4511.191," insert "4513.601, 4513.62,"

In line 80635, after "5301.21," insert "5322.01, 5322.02, 5322.03,"

In line 25 of the title, delete "723.52,"

In line 121 of the title, delete "5543.19, 5575.01,"

In line 253, delete "723.52,"

In line 323, delete "5543.19, 5575.01,"

Delete lines 17452 through 17489

Delete lines 71127 through 71235

In line 80565, delete "723.52,"

In line 80635, delete "5543.19, 5575.01,"

Managers on the Part of the House of Representatives

/S/ SCOTT OELSLAGER
SCOTT OELSLAGER

/S/ PHIL PLUMMER
PHIL PLUMMER

/S/ ERICA C. CRAWLEY
ERICA C. CRAWLEY

Managers on the Part of the Senate

/S/ MATT DOLAN
MATT DOLAN

/S/ THERESA GAVARONE
THERESA GAVARONE

/S/ VERNON SYKES
VERNON SYKES

The question being, "Shall the report of the committee of conference be agreed to?"

The yeas and nays were taken and resulted – yeas 84, nays 13, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldridge	Bird	Blackshear
Brent	Brinkman	Callender	Carfagna
Carruthers	Click	Crawley	Creech
Cross	Crossman	Cutrona	Edwards
Ferguson	Fowler Arthur	Fraizer	Galonski
Ghanbari	Ginter	Grendell	Gross
Hall	Hillyer	Holmes	Hoops
Jarrells	John	Johnson	Jones
Jordan	Kick	Koehler	Lampton
Lanese	LaRe	Lepore-Hagan	Lightbody
Lipps	Liston	Loychik	Manchester
Manning	McClain	Merrin	Miller, J.
Miller, K.	Miranda	O'Brien	Oelslager
Patton	Pavliga	Plummer	Powell
Ray	Richardson	Riedel	Robinson
Roemer	Russo	Schmidt	Seitz
Sheehy	Smith, K.	Smith, M.	Sobecki
Stein	Stephens	Stewart	Stoltzfus
Swearingen	Sweeney	Troy	Upchurch
Weinstein	West	White	Wiggam
Wilkin	Young, B.	Young, T.	Cupp-84

Those who voted in the negative were: Representatives

Boggs	Boyd	Brown	Dean
Denson	Hicks-Hudson	Howse	Ingram
Kelly	Leland	Miller, A.	Skindell
			Sykes-13

The report of the committee of conference was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Smith, K. submitted the following report:

The standing committee on Public Utilities to which was referred

Sub. S. B. No. 52-Senators Reineke, McColley, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: REVISE LAW GOVERNING WIND FARMS AND SOLAR FACILITIES

JAMES M. HOOPS
THOMAS E. BRINKMAN JR.

SHARON A. RAY
RICK CARFAGNA

THOMAS F. PATTON
DICK STEIN
SHANE WILKIN

BILL SEITZ
JASON STEPHENS
BOB YOUNG

The following members voted "NO"

KENT SMITH
JEFFREY A. CROSSMAN
LAURA LANESE
TERRENCE UPCHURCH

KRISTIN BOGGS
SEDRICK DENSON
DANIEL P. TROY

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

MOTIONS AND RESOLUTIONS

Representative Ginter moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

H. R. No. 91-Speaker Cupp, Representative Sykes

Relative to travel allowance.

WHEREAS, Section 101.27 of the Revised Code provides that each member receive a travel reimbursement based upon the mileage from and to the member's place of residence, by the most direct highway route of public travel to and from the seat of government; therefore be it

RESOLVED, That the Chief Administrative Officer of the House of Representatives is hereby authorized to pay the following member's travel allowance based upon their round-trip mileage as set opposite their name and district number:

Member's Name	District Number	Round-Trip Mileage
Kevin D. Miller	72	86

The question being, "Shall the resolution be adopted?"

The yeas and nays were taken and resulted – yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldridge	Bird	Blackshear
Boggs	Boyd	Brent	Brinkman
Brown	Callender	Carfagna	Carruthers
Click	Crawley	Creech	Cross
Crossman	Cutrona	Dean	Denson
Edwards	Ferguson	Fowler Arthur	Fraizer
Galonski	Ghanbari	Ginter	Grendell
Gross	Hall	Hicks-Hudson	Hillyer
Holmes	Hoops	Howse	Ingram
Jarrells	John	Johnson	Jones
Kelly	Kick	Koehler	Lampton
Lanese	LaRe	Leland	Lepore-Hagan
Lightbody	Lipps	Liston	Loychik
Manchester	Manning	McClain	Merrin
Miller, A.	Miller, J.	Miller, K.	Miranda
O'Brien	Oelslager	Patton	Pavliga
Plummer	Powell	Ray	Richardson
Riedel	Robinson	Roemer	Russo
Schmidt	Seitz	Sheehy	Skindell
Smith, K.	Smith, M.	Sobecki	Stein
Stephens	Stewart	Stoltzfus	Swearingen
Sweeney	Sykes	Troy	Upchurch
Weinstein	West	White	Wiggam
Wilkin	Young, B.	Young, T.	Cupp-96

The resolution was adopted.

Representative Jones moved that majority party members asking leave to be absent or absent the week of Monday, June 28, 2021, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Hicks-Hudson moved that minority party members asking leave to be absent or absent the week of Monday, June 28, 2021, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

H. B. No. 34-Representative Ingram.

Cosponsors: Representatives Miranda, Brent, Miller, A., Galonski, Crawley, Sobecki, Smith, K., West, Lightbody, Miller, J., Hillyer, Crossman, Weinstein, Lepore-Hagan, Schmidt, Callender, Kelly, Upchurch.

To amend sections 3314.03, 3326.11, and 3328.24 and to enact section 3319.324 of the Revised Code to require that public and private schools transmit a transferred student's records within five school days, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Ginter moved that **H. B. No. 34**-Representative Ingram, et al., be informally passed and retain its place on the calendar.

The motion was agreed to without objection.

Sub. S. B. No. 19-Senator Schaffer.

Cosponsors: Senators Hottinger, Williams, Blessing, Antonio, Brenner, Craig, Dolan, Gavarone, Hackett, Hoagland, Huffman, S., McColley, O'Brien, Peterson, Reineke, Roegner, Rulli, Schuring, Sykes, Thomas, Wilson, Yuko Representative Merrin.

To amend sections 306.322, 319.38, 323.08, 5703.21, 5709.09, 5709.17, 5713.08, 5715.27, 5739.023, and 5741.02 and to enact section 323.18 of the Revised Code to modify the law regarding property taxation and sales and use tax, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Merrin moved to amend, amendment 1602-1, as follows:

In line 228, after "to" insert "a combined question under"

In line 230, delete "unless a higher rate is approved in accordance with" and insert "notwithstanding"

In line 233, after "section" insert "306.40 or"

In line 980, delete ", municipal"

In line 981, delete "corporation, and township"

In line 982, after "authority" insert "and each municipal corporation and township with territory included in the regional transit authority"

In line 989, after "section" insert "306.40 or"

In line 990, after "notes" insert ", bonds,"

In line 991, delete "that section" and insert "those sections"

In line 993, after "sales" insert "and use"

In line 994, after "section" insert "and section 5741.022 of the Revised Code"

In line 995, after "notes" insert ", bonds,"

In line 996, delete "The" and insert "After the board begins to levy and collect sales and use tax under this section and section 5741.022 of the Revised Code, the"

In line 997, delete "that"; after "section" insert "306.40 or 306.49 of the Revised Code"

In line 998, after "notes" insert ", bonds,"; after "securities" insert ", notwithstanding division (B) of this section"

The question being, "Shall the motion to amend be agreed to?"

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Sobecki moved to amend, amendment 1646, as follows:

In line 89, reinsert "six"; delete "twelve"

In line 141, reinsert "The"; delete "Subject to division (L) of this section, the"

In line 153, after "~~the~~" insert "The"; reinsert "political subdivision shall not be joined to"

Reinsert lines 154 and 155

In line 156, reinsert "sections 5739.023 and 5741.022 of the Revised Code."

In line 160, reinsert "(3)"

In line 176, reinsert "(4) If"; delete "(3) Subject to division (L) of this section, if"

In line 195, after "~~(6)~~" insert "(5)"; reinsert "If the question is approved after the fifteenth day of"

Reinsert lines 196 through 206

In line 207, delete "(4)" and insert "(6)"

Delete lines 211 through 231

In line 232, delete "(4)" and insert "(7)"

In line 939, reinsert "The"; delete "Except as otherwise provided in division (A)"

In line 940, delete "(3) of this section, the"

In line 978, delete "the"

Delete lines 979 through 984

In line 985, delete "The" and insert "the"; delete "of such a regional transit authority"

The question being, "Shall the motion to amend be agreed to?"

Representative Jones moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 56, nays 41, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Brinkman
Callender	Carfagna	Carruthers	Cross
Cutrona	Dean	Edwards	Ferguson
Fowler Arthur	Fraizer	Ginter	Grendell
Gross	Hall	Holmes	John
Johnson	Jones	Jordan	Kick
Koehler	Lampton	Lanese	LaRe
Lipps	Loychik	Manchester	Manning
McClain	Merrin	Miller, K.	Oelslager
Patton	Pavliga	Plummer	Powell
Richardson	Riedel	Roemer	Schmidt
Seitz	Stein	Stephens	Stewart
Stoltzfus	Swearingen	White	Wiggam
Wilkin	Young, B.	Young, T.	Cupp-56

Those who voted in the negative were: Representatives

Blackshear	Boggs	Boyd	Brent
Brown	Click	Crawley	Creech
Crossman	Denson	Galonski	Ghanbari
Hicks-Hudson	Hillyer	Hoops	Howse
Ingram	Jarrells	Kelly	Leland
Lepore-Hagan	Lightbody	Liston	Miller, A.
Miller, J.	Miranda	O'Brien	Ray
Robinson	Russo	Sheehy	Skindell
Smith, K.	Smith, M.	Sobecki	Sweeney
Sykes	Troy	Upchurch	Weinstein
			West-41

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted – yeas 61, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Brinkman
Callender	Carfagna	Carruthers	Click
Creech	Cross	Cutrona	Dean
Edwards	Ferguson	Fowler Arthur	Fraizer
Ginter	Grendell	Gross	Hall
Hillyer	Holmes	Hoops	John
Johnson	Jones	Jordan	Kick
Koehler	Lampton	Lanese	LaRe
Lipps	Loychik	Manchester	Manning
McClain	Merrin	Miller, K.	Oelslager
Patton	Pavliga	Plummer	Powell
Ray	Richardson	Riedel	Roemer
Schmidt	Seitz	Stein	Stephens
Stewart	Stoltzfus	Swearingen	White
Wiggam	Wilkin	Young, B.	Young, T.
			Cupp-61

Those who voted in the negative were: Representatives

Blackshear	Boggs	Boyd	Brent
Brown	Crawley	Crossman	Denson
Galonski	Ghanbari	Hicks-Hudson	Howse

Ingram	Jarrells	Kelly	Leland
Lepore-Hagan	Lightbody	Liston	Miller, A.
Miller, J.	Miranda	O'Brien	Robinson
Russo	Sheehy	Skindell	Smith, K.
Smith, M.	Sobecki	Sweeney	Sykes
Troy	Upchurch	Weinstein	West-36

The bill passed.

Representative Merrin moved to amend the title as follows:

Add the names: "Carruthers, Click, Cutrona, Edwards, Jones, Lampton, Swearingen."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

S. B. No. 43-Senator Schaffer.

Cosponsors: Senators Romanchuk, Fedor, Craig, Huffman, S., Roegner, Antonio, Blessing, Brenner, Cirino, Gavarone, Hackett, Hoagland, Hottinger, Johnson, Kunze, Maharath, Peterson, Reineke, Rulli, Sykes, Thomas, Williams, Wilson, Yuko Representatives Lepore-Hagan, West, White.

To enact section 5.271 of the Revised Code to designate July as "Sarcoma Awareness Month" and to name the act Hank's Law, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Ginter moved that **S. B. No. 43**-Senator Schaffer, et al., be informally passed and retain its place on the calendar.

The motion was agreed to without objection.

Sub. S. B. No. 52-Senators Reineke, McColley.

Cosponsors: Senators Lang, Rulli, Schaffer, Cirino, Brenner, Schuring, Huffman, M., O'Brien, Wilson.

To amend sections 4906.01, 4906.02, and 4906.10 and to enact sections 303.57, 303.58, 303.59, 303.60, 303.61, 303.62, 303.63, 4906.021, 4906.101, 4906.102, 4906.103, 4906.30, and 4906.31 of the Revised Code to permit a board of county commissioners to designate energy development districts and to permit a board of township trustees or a board of county commissioners to prevent power siting board certification of certain wind and solar facilities, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

June 28, 2021

The Honorable Robert R. Cupp, Speaker

The Ohio House of Representatives
Columbus, Ohio

Speaker Cupp,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **Sub. S. B. No. 52**-Senators Reineke, McColley, et al., because it might be construed that I have an interest in the legislation.

Sincerely,

/s/ ERICA C. CRAWLEY

Erica C. Crawley
State Representative
26th House District

The request was granted.

Representative Smith, K. moved to amend, amendment 1667, as follows:

In line 7 of the title, after "permit" insert ", beginning on January 1, 2023,"

After line 773, insert:

"Section 6. Sections 1 to 5 of this act take effect January 1, 2023."

The question being, "Shall the motion to amend be agreed to?"

Representative Seitz moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 60, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldridge	Bird	Brinkman
Callender	Carfagna	Carruthers	Click
Creech	Cross	Cutrona	Dean
Edwards	Ferguson	Fowler Arthur	Fraizer
Ghanbari	Ginter	Grendell	Gross
Hall	Hillyer	Holmes	Hoops
John	Johnson	Jones	Jordan
Kick	Koehler	Lampton	LaRe
Lipps	Loychik	Manchester	Manning
McClain	Merrin	Miller, K.	Oelslager
Pavliga	Plummer	Powell	Ray
Richardson	Riedel	Roemer	Schmidt
Seitz	Stein	Stephens	Stewart
Stoltzfus	Swearingen	White	Wiggam
Wilkin	Young, B.	Young, T.	Cupp-60

Those who voted in the negative were: Representatives

Blackshear	Boggs	Boyd	Brent
Brown	Crossman	Denson	Galonski

Hicks-Hudson	Howse	Ingram	Jarrells
Kelly	Lanese	Leland	Lepore-Hagan
Lightbody	Liston	Miller, A.	Miller, J.
Miranda	O'Brien	Patton	Robinson
Russo	Sheehy	Skindell	Smith, K.
Smith, M.	Sobecki	Sweeney	Sykes
Troy	Upchurch	Weinstein	West-36

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Seitz moved to amend, amendment 1681, as follows:

In line 3 of the title, after "303.62" insert ", 519.26, 519.27, 519.28, 519.29, 519.30, 519.31"

In line 5 of the title, after "4906.103" insert ", 4906.104"

In line 10 of the title, after "facilities," insert "to permit a board of township trustees to designate a restricted area to prevent the construction of certain wind facilities,"

In line 16, after "303.62" insert ", 519.26, 519.27, 519.28, 519.29, 519.30, 519.31"

In line 17, after "4906.103" insert ", 4906.104"

After line 241, insert:

"(D) A resolution adopted under this section is subject to the adoption of a subsequent resolution by a township board of trustees that exempts that township from the restricted area, under section 519.30 of the Revised Code.

Sec. 519.26. As used in this section and sections 519.26 and 519.27 of the Revised Code:

(A) "Economically significant wind farm" has the same meaning as in section 4906.13 of the Revised Code.

(B) "Large wind farm" has the same meaning as in section 4906.01 of the Revised Code.

(C)(1) "Material amendment" means an amendment to an existing power siting board certificate for the construction, operation, or maintenance of a wind farm that does any of the following:

(a) Increases the facility's nameplate capacity;

(b) Changes the boundaries of the facility, unless the new boundaries of the facility are completely within the previous boundaries of the facility or the facility components outside of the previous boundary are underground.

(c) Increases the number of wind turbines;

(d) Increases the height of a wind turbine.

(2) "Material amendment" does not include the addition of a battery storage system to a wind farm.

(D) "Wind farm" means an economically significant wind farm or a large wind farm.

Sec. 519.27. (A)(1) A board of township trustees may adopt a resolution designating all or or part of the unincorporated area of the township as a restricted area to prohibit the construction of either or both of the following:

(a) An economically significant wind farm;

(b) A large wind farm.

(2) A board of township trustees may adopt a resolution under this section if both of the following apply:

(a) The board of county commissioners of the county in which the township is located adopts a resolution designating a restricted area, prohibiting the construction of either or both of the facilities described in division (A)(1) of this section.

(b) The board of township trustees adopts the resolution not later than thirty days after the resolution described in division (A)(2)(a) of this section is adopted.

(B) A resolution described in division (A)(1) of this section may designate one or more restricted areas and shall fix restricted area boundaries within the unincorporated area of the township.

(C)(1) The board may adopt a resolution designating a restricted area at a regular meeting of the board or at a special meeting called for the purpose of discussing such a resolution.

(2) At least fourteen days prior to the meeting at which a resolution to designate a restricted area will be discussed, the board shall do all of the following:

(a) Provide public notice of the date and time of the meeting by one publication in a newspaper of general circulation within the township;

(b) Publicly post a map showing the boundaries of the proposed restricted area at all public libraries in the township, if libraries are present. If no library exists within the township, the map shall be posted at another suitable location that is freely accessible by residents of the township.

(c) Provide written notice of the meeting to all school districts and municipal corporations located, in whole or in part, within the township.

(3) The board shall comply with the requirements of divisions (C)(1) and (2) of this section before the board modifies a resolution it previously adopted under this section.

(D) Any resolution designating a restricted area shall include a map of the restricted area, as well as texts sufficient to identify all boundaries of the restricted area. A copy of the resolution and any accompanying texts and maps shall be filed with the office of the county recorder of the county in which the township is located.

(E) A resolution adopted under this section shall not affect the construction of a wind farm that was presented to the board of county commissioners under section 303.61 of the Revised Code, and for which the board did not adopt a resolution prohibiting the wind farm within the time required under section 303.62 of the Revised Code.

Sec. 519.28. A resolution designating a restricted area prohibiting the construction of wind farm, if adopted by the board of township trustees, becomes effective thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the township equal to not less than eight per cent of the total vote cast for all candidates for governor in that township at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the resolution to the electors of that township for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least one hundred twenty days after the petition is filed. Each part petition shall contain the number and the full and correct title, if any, of the resolution, motion, or application, furnishing the name by which the resolution is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.

The form of a petition calling for a referendum on the designation of a restricted area and the statement of the circulator shall be substantially as follows:

"PETITION FOR REFERENDUM ON THE DESIGNATION OF A RESTRICTED AREA PROHIBITING THE CONSTRUCTION OF A WIND FARM"

(if the proposal is identified by a particular name or number, or both, these should be inserted here) _____

A proposal to designate a restricted area prohibiting the construction of a wind farm in the unincorporated area of _____ township, _____ county, Ohio, adopted _____ (date) (followed by brief summary of the resolution).

To the board of township trustees of _____ township, _____ county, Ohio:

We, the undersigned, being electors residing in _____

township, equal to not less than eight per cent of the total vote cast for all candidates for governor in the township at the preceding general election at which a governor was elected, request the board of township trustees to submit this designation of a restricted area to the electors of _____ township, for approval or rejection at a special election to be held on the day of the primary or general election to be held on _____ (date), pursuant to section 519.28 of the Revised Code.

Signature

Residence address

Date of signing

STATEMENT OF CIRCULATOR

I, _____ (name of circulator), declare under penalty of election falsification that I reside at the address appearing below my signature; that I am the circulator of the foregoing part petition containing _____ (number) signatures; that I have witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

(Signature of circulator)

(Circulator's residence address)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE."

The petition shall be filed with the board of township trustees. Within two weeks after receiving a petition filed under this section, the board of township trustees shall certify the petition to the board of elections. A petition filed under this section shall be certified to the board of elections not less than ninety days prior to the election at which the question is to be voted upon.

The board of elections shall determine the sufficiency and validity of each petition certified to it by a board of township trustees under this section. If the board of elections determines that a petition is sufficient and valid, the question shall be voted upon at a special election to be held on the day of the next primary or general election that occurs at least one hundred twenty days after the date the petition is filed with the board of township trustees, regardless of whether any election will be held to nominate or elect candidates on that day.

No resolution designating a restricted area for which such a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the resolution. Upon certification by the board of elections that the resolution has been approved by the voters,

it shall take immediate effect.

Within five working days after the resolution's effective date, the board of township trustees shall file the text of the resolution and maps of the restricted area in the office of the county recorder of the county in which the township is located and with the county or regional planning commission, if one exists.

The failure to file any resolution, or any text and maps, or duplicates of any of these documents, with the office of the county recorder as required by this section does not invalidate the resolution.

Sec. 519.29. If a resolution is adopted and becomes effective under sections 519.27 and 519.28 of the Revised Code, no person shall file, and the power siting board shall not accept, an application for a certificate, or a material amendment to an existing certificate, to construct, operate, or maintain a wind farm, or both, in a restricted area where the construction of such a wind farm is prohibited by the resolution.

Sec. 519.30. (A) If the board of county commissioners of the county in which the township is located adopts a resolution designating a restricted area under section 303.59 of the Revised Code, the board of township trustees of a township included in whole, or in part, in that restricted area may adopt a resolution opting out of the restricted area, in whole or in part.

(B)(1) The board of township trustees may adopt such a resolution if the restricted area created by the board of county commissioners prohibits the construction of either or both of the following:

- (a) An economically significant wind farm;
- (b) A large wind farm.

(2) The board of township trustees may not opt out of a restricted area prohibiting the construction of large solar facilities that has become effective under section 303.59 of the Revised Code.

(3) The board of township trustees may only adopt a resolution under division (A) of this section within thirty days after the board of county commissioners adopts a resolution designating a restricted area prohibiting the construction of either of the facilities described in division (B)(1) of this section.

(C)(1) The board may adopt a resolution opting out of a restricted area at a regular meeting of the board or at a special meeting called for the purpose of discussing such a resolution.

(2) At least fourteen days prior to the meeting at which a resolution to opt out of a restricted area will be discussed, the board shall do all of the following:

- (a) Provide public notice of the date and time of the meeting by one

publication in a newspaper of general circulation within the township:

(b) Publicly post a map showing the boundaries of the proposed restricted area at all public libraries in the township, if libraries are present. If no library exists within the township, the map shall be posted at another suitable location that is freely accessible by residents of the township.

(3) The board shall comply with the requirements of divisions (C)(1) and (2) of this section before the board modifies a resolution it previously adopted under this section.

(D) Any resolution adopted under division (A) of this section shall include a map of the restricted area, as well as texts sufficient to identify all boundaries of the restricted area. A copy of the resolution and any accompanying texts and maps shall be filed with the office of the county recorder of the county in which the township is located.

Sec. 519.31. A resolution opting out of a restricted area prohibiting the construction of a wind farm, if adopted by the board of township trustees, becomes effective thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the township equal to not less than eight per cent of the total vote cast for all candidates for governor in that township at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the resolution to the electors of that township for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least one hundred twenty days after the petition is filed. Each part petition shall contain the number and the full and correct title, if any, of the resolution, motion, or application, furnishing the name by which the resolution is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.

The form of a petition calling for a referendum on the designation of a restricted area and the statement of the circulator shall be substantially as follows:

"PETITION FOR REFERENDUM ON THE OPTING OUT OF A RESTRICTED AREA PROHIBITING THE CONSTRUCTION OF A WIND FARM"

(if the proposal is identified by a particular name or number, or both, these should be inserted here)_____

A proposal to opt out of a restricted area prohibiting the construction of a wind farm in the unincorporated area of _____ township, _____ county, Ohio, adopted _____ (date) (followed by brief summary of the resolution).

To the board of township trustees of _____ township,
_____ county, Ohio:

We, the undersigned, being electors residing in _____ township, equal to not less than eight per cent of the total vote cast for all candidates for governor in the township at the preceding general election at which a governor was elected, request the board of township trustees to submit this designation of a restricted area to the electors of _____ township, for approval or rejection at a special election to be held on the day of the primary or general election to be held on _____ (date), pursuant to section 519.30 of the Revised Code.

_____ Signature

_____ Residence address

_____ Date of signing

STATEMENT OF CIRCULATOR

I, _____ (name of circulator), declare under penalty of election falsification that I reside at the address appearing below my signature; that I am the circulator of the foregoing part petition containing _____ (number) signatures; that I have witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

_____ (Signature of circulator)

_____ (Circulator's residence address)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE."

The petition shall be filed with the board of township trustees. Within two weeks after receiving a petition filed under this section, the board of township trustees shall certify the petition to the board of elections. A petition filed under this section shall be certified to the board of elections not less than ninety days prior to the election at which the question is to be voted upon.

The board of elections shall determine the sufficiency and validity of each petition certified to it by a board of township trustees under this section. If the board of elections determines that a petition is sufficient and valid, the question shall be voted upon at a special election to be held on the day of the next primary or general election that occurs at least one hundred twenty days after the date the petition is filed with the board of township trustees, regardless of whether any election will be held to nominate or elect candidates on that day.

No resolution designating a restricted area for which such a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the resolution. Upon certification by the board of elections that the resolution has been approved by the voters, it shall take immediate effect.

Within five working days after the resolution's effective date, the board of township trustees shall file the text of the resolution and maps of the restricted area in the office of the county recorder of the county in which the township is located and with the county or regional planning commission, if one exists.

The failure to file any resolution, or any text and maps, or duplicates of any of these documents, with the office of the county recorder as required by this section does not invalidate the resolution."

In line 520, delete the first "and"; after "4906.103" insert ", and 4906.104"

After line 615, insert:

"Sec. 4906.104. For purposes of this section, "material amendment" and "wind farm" have the same meaning as in section 519.26 of the Revised Code.

The power siting board shall not grant a certificate for the construction, operation, and maintenance of, or material amendment to, an existing certificate for a wind farm, either as proposed or as modified by the board, to be constructed in a restricted area of the unincorporated area of a township, as designated by that township's board of township trustees under sections 519.27 and 519.28 of the Revised Code, if the wind farm is of a type prohibited in the restricted area."

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted – yeas 35, nays 60, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Bird	Brinkman	Carruthers
Cutrona	Dean	Edwards	Ferguson
Fowler Arthur	Ginter	Grendell	Gross
Hall	Holmes	John	Jones
Jordan	LaRe	Manchester	Merrin
Miller, K.	Patton	Pavliga	Plummer
Powell	Ray	Richardson	Schmidt
Seitz	Stein	Stephens	Swearingen
Wiggam	Young, B.		Young, T.-35

Those who voted in the negative were: Representatives

Baldrige	Blackshear	Boggs	Boyd
Brent	Brown	Callender	Carfagna
Click	Creech	Cross	Crossman
Denson	Fraizer	Galonski	Ghanbari
Hicks-Hudson	Hillyer	Hoops	Howse

Ingram	Jarrells	Johnson	Kelly
Kick	Koehler	Lampton	Lanese
Leland	Lepore-Hagan	Lightbody	Lipps
Liston	Loychik	Manning	McClain
Miller, A.	Miller, J.	Miranda	O'Brien
Oelslager	Riedel	Robinson	Roemer
Russo	Sheehy	Skindell	Smith, K.
Smith, M.	Sobecki	Stewart	Stoltzfus
Sweeney	Sykes	Troy	Upchurch
Weinstein	West	White	Wilkin-60

The motion to amend was not agreed to.

The question recurring, "Shall the bill pass?"

Representative Weinstein moved to amend, amendment 1678, as follows:

In line 1 of the title, after "sections" insert "303.213, 519.213, 713.081, "; delete the first "and"; after "4906.10" insert ", 4906.13, 4928.01, 4928.64, 4928.641, 4928.644, 4928.645, 4928.66, 4928.6610, "; after the second "and" insert "5727.75;"

In line 7 of the title, after "4906.31" insert "; to enact section 4928.6616 in order to revive the section as it existed prior to the enactment of H.B. 6 of the 133rd General Assembly; and to repeal sections 3706.40, 3706.41, 3706.43, 3706.431, 3706.45, 3706.46, 3706.49, 3706.491, 3706.55, 3706.551, 3706.59, 3706.63, 3706.65, 4928.148, 4928.47, 4928.642, 4928.75, and 4928.80"

In line 11 of the title, delete "and"

In line 13 of the title, after "facilities" insert ", and to repeal the changes made by H.B. 6 of the 133rd General Assembly to the laws governing electric service, renewable energy, and energy efficiency and the changes made to other related laws"

In line 14, after "sections" insert "303.213, 519.213, 713.081, "; delete "and"; after "4906.10" insert ", 4906.13, 4928.01, 4928.64, 4928.641, 4928.644, 4928.645, 4928.66, 4928.6610, and 5727.75"

In line 18, delete "and"; after "4906.31" insert ", and 4928.6616"

After line 19, insert:

"Sec. 303.213. (A) As used in this section, "small wind farm" means wind turbines and associated facilities ~~that are not subject to the jurisdiction of the power siting board under sections 4906.20 and 4906.201 of the Revised Code with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five megawatts.~~

(B) Notwithstanding division (A) of section 303.211 of the Revised Code, sections 303.01 to 303.25 of the Revised Code confer power on a board of county commissioners or board of zoning appeals to adopt zoning

regulations governing the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm, whether publicly or privately owned, or the use of land for that purpose, which regulations may be more strict than the regulations prescribed in rules adopted under division (B)(2) of section 4906.20 of the Revised Code.

(C) The designation under this section of a small wind farm as a public utility for purposes of sections 303.01 to 303.25 of the Revised Code shall not affect the classification of a small wind farm for purposes of state or local taxation.

(D) Nothing in division (C) of this section shall be construed as affecting the classification of a telecommunications tower as defined in division (B) or (E) of section 303.211 of the Revised Code or any other public utility for purposes of state and local taxation."

After line 241, insert:

"Sec. 519.213. (A) As used in this section, "small wind farm" means wind turbines and associated facilities ~~that are not subject to the jurisdiction of the power siting board under sections 4906.20 and 4906.201 of the Revised Code~~ with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five megawatts.

(B) Notwithstanding division (A) of section 519.211 of the Revised Code, sections 519.02 to 519.25 of the Revised Code confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm, whether publicly or privately owned, or the use of land for that purpose, which regulations may be more strict than the regulations prescribed in rules adopted under division (B)(2) of section 4906.20 of the Revised Code.

(C) The designation under this section of a small wind farm as a public utility for purposes of sections 519.02 to 519.25 of the Revised Code shall not affect the classification of a small wind farm or any other public utility for purposes of state or local taxation.

(D) Nothing in division (C) of this section shall be construed as affecting the classification of a telecommunications tower as defined in division (B) or (E) of section 519.211 of the Revised Code or any other public utility for purposes of state and local taxation.

Sec. 713.081. (A) As used in this section, "small wind farm" means wind turbines and associated facilities ~~that are not subject to the jurisdiction of the power siting board under sections 4906.20 and 4906.201 of the Revised Code~~ with a single interconnection to the electrical grid and

designed for, or capable of, operation at an aggregate capacity of less than five megawatts.

(B) Sections 713.06 to 713.15 of the Revised Code confer power on the legislative authority of a municipal corporation with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm as a public utility, whether publicly or privately owned, or the use of land for that purpose, which regulations may be more strict than the regulations prescribed in rules adopted under division (B)(2) of section 4906.20 of the Revised Code.

(C) The designation under this section of a small wind farm as a public utility for purposes of sections 713.06 to 713.15 of the Revised Code shall not affect the classification of a small wind farm or any other public utility for purposes of state or local taxation."

After line 615, insert:

"Sec. 4906.13. (A) As used in this section and sections 4906.20 and 4906.98 of the Revised Code, "economically significant wind farm" means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five or more megawatts but less than fifty megawatts. The term excludes any such wind farm in operation on June 24, 2008. ~~The term also excludes one or more wind turbines and associated facilities that are primarily dedicated to providing electricity to a single customer at a single location and that are designed for, or capable of, operation at an aggregate capacity of less than twenty megawatts, as measured at the customer's point of interconnection to the electrical grid.~~

(B) No public agency or political subdivision of this state may require any approval, consent, permit, certificate, or other condition for the construction or operation of a major utility facility or economically significant wind farm authorized by a certificate issued pursuant to Chapter 4906. of the Revised Code. Nothing herein shall prevent the application of state laws for the protection of employees engaged in the construction of such facility or wind farm nor of municipal regulations that do not pertain to the location or design of, or pollution control and abatement standards for, a major utility facility or economically significant wind farm for which a certificate has been granted under this chapter."

After line 707, insert:

"Sec. 4928.01. (A) As used in this chapter:

(1) "Ancillary service" means any function necessary to the provision of electric transmission or distribution service to a retail customer and includes, but is not limited to, scheduling, system control, and dispatch

services; reactive supply from generation resources and voltage control service; reactive supply from transmission resources service; regulation service; frequency response service; energy imbalance service; operating reserve-spinning reserve service; operating reserve-supplemental reserve service; load following; back-up supply service; real-power loss replacement service; dynamic scheduling; system black start capability; and network stability service.

(2) "Billing and collection agent" means a fully independent agent, not affiliated with or otherwise controlled by an electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code, to the extent that the agent is under contract with such utility, company, cooperative, or aggregator solely to provide billing and collection for retail electric service on behalf of the utility company, cooperative, or aggregator.

(3) "Certified territory" means the certified territory established for an electric supplier under sections 4933.81 to 4933.90 of the Revised Code.

(4) "Competitive retail electric service" means a component of retail electric service that is competitive as provided under division (B) of this section.

(5) "Electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company.

(6) "Electric distribution utility" means an electric utility that supplies at least retail electric distribution service.

(7) "Electric light company" has the same meaning as in section 4905.03 of the Revised Code and includes an electric services company, but excludes any self-generator to the extent that it consumes electricity it so produces, sells that electricity for resale, or obtains electricity from a generating facility it hosts on its premises.

(8) "Electric load center" has the same meaning as in section 4933.81 of the Revised Code.

(9) "Electric services company" means an electric light company that is engaged on a for-profit or not-for-profit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in this state. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative, municipal electric utility, governmental aggregator, or billing and collection agent.

(10) "Electric supplier" has the same meaning as in section 4933.81

of the Revised Code.

(11) "Electric utility" means an electric light company that has a certified territory and is engaged on a for-profit basis either in the business of supplying a noncompetitive retail electric service in this state or in the businesses of supplying both a noncompetitive and a competitive retail electric service in this state. "Electric utility" excludes a municipal electric utility or a billing and collection agent.

(12) "Firm electric service" means electric service other than nonfirm electric service.

(13) "Governmental aggregator" means a legislative authority of a municipal corporation, a board of township trustees, or a board of county commissioners acting as an aggregator for the provision of a competitive retail electric service under authority conferred under section 4928.20 of the Revised Code.

(14) A person acts "knowingly," regardless of the person's purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist.

(15) "Level of funding for low-income customer energy efficiency programs provided through electric utility rates" means the level of funds specifically included in an electric utility's rates on October 5, 1999, pursuant to an order of the public utilities commission issued under Chapter 4905. or 4909. of the Revised Code and in effect on October 4, 1999, for the purpose of improving the energy efficiency of housing for the utility's low-income customers. The term excludes the level of any such funds committed to a specific nonprofit organization or organizations pursuant to a stipulation or contract.

(16) "Low-income customer assistance programs" means the percentage of income payment plan program, the home energy assistance program, the home weatherization assistance program, and the targeted energy efficiency and weatherization program.

(17) "Market development period" for an electric utility means the period of time beginning on the starting date of competitive retail electric service and ending on the applicable date for that utility as specified in section 4928.40 of the Revised Code, irrespective of whether the utility applies to receive transition revenues under this chapter.

(18) "Market power" means the ability to impose on customers a sustained price for a product or service above the price that would prevail in a competitive market.

(19) "Mercantile customer" means a commercial or industrial

customer if the electricity consumed is for nonresidential use and the customer consumes more than seven hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.

(20) "Municipal electric utility" means a municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity.

(21) "Noncompetitive retail electric service" means a component of retail electric service that is noncompetitive as provided under division (B) of this section.

(22) "Nonfirm electric service" means electric service provided pursuant to a schedule filed under section 4905.30 of the Revised Code or pursuant to an arrangement under section 4905.31 of the Revised Code, which schedule or arrangement includes conditions that may require the customer to curtail or interrupt electric usage during nonemergency circumstances upon notification by an electric utility.

(23) "Percentage of income payment plan arrears" means funds eligible for collection through the percentage of income payment plan rider, but uncollected as of July 1, 2000.

(24) "Person" has the same meaning as in section 1.59 of the Revised Code.

(25) "Advanced energy project" means any technologies, products, activities, or management practices or strategies that facilitate the generation or use of electricity or energy and that reduce or support the reduction of energy consumption or support the production of clean, renewable energy for industrial, distribution, commercial, institutional, governmental, research, not-for-profit, or residential energy users, including, but not limited to, advanced energy resources and renewable energy resources. "Advanced energy project" also includes any project described in division (A), (B), or (C) of section 4928.621 of the Revised Code.

(26) "Regulatory assets" means the unamortized net regulatory assets that are capitalized or deferred on the regulatory books of the electric utility, pursuant to an order or practice of the public utilities commission or pursuant to generally accepted accounting principles as a result of a prior commission rate-making decision, and that would otherwise have been charged to expense as incurred or would not have been capitalized or otherwise deferred for future regulatory consideration absent commission action. "Regulatory assets" includes, but is not limited to, all deferred demand-side management costs; all deferred percentage of income payment plan arrears; post-in-service capitalized charges and assets recognized in connection with statement of financial accounting standards no. 109 (receivables from customers for income taxes); future nuclear decommissioning costs and fuel disposal costs as those costs have been determined by the commission in the electric

utility's most recent rate or accounting application proceeding addressing such costs; the undepreciated costs of safety and radiation control equipment on nuclear generating plants owned or leased by an electric utility; and fuel costs currently deferred pursuant to the terms of one or more settlement agreements approved by the commission.

(27) "Retail electric service" means any service involved in supplying or arranging for the supply of electricity to ultimate consumers in this state, from the point of generation to the point of consumption. For the purposes of this chapter, retail electric service includes one or more of the following "service components": generation service, aggregation service, power marketing service, power brokerage service, transmission service, distribution service, ancillary service, metering service, and billing and collection service.

(28) "Starting date of competitive retail electric service" means January 1, 2001.

(29) "Customer-generator" means a user of a net metering system.

(30) "Net metering" means measuring the difference in an applicable billing period between the electricity supplied by an electric service provider and the electricity generated by a customer-generator that is fed back to the electric service provider.

(31) "Net metering system" means a facility for the production of electrical energy that does all of the following:

(a) Uses as its fuel either solar, wind, biomass, landfill gas, or hydropower, or uses a microturbine or a fuel cell;

(b) Is located on a customer-generator's premises;

(c) Operates in parallel with the electric utility's transmission and distribution facilities;

(d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity. ~~For an industrial customer-generator with a net metering system that has a capacity of less than twenty megawatts and uses wind as energy, this means the net metering system was sized so as to not exceed one hundred per cent of the customer-generator's annual requirements for electric energy at the time of interconnection.~~

(32) "Self-generator" means an entity in this state that owns or hosts on its premises an electric generation facility that produces electricity primarily for the owner's consumption and that may provide any such excess electricity to another entity, whether the facility is installed or operated by the owner or by an agent under a contract.

(33) "Rate plan" means the standard service offer in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008.

(34) "Advanced energy resource" means any of the following:

(a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;

(b) Any distributed generation system consisting of customer cogeneration technology;

(c) Clean coal technology that includes a carbon-based product that is chemically altered before combustion to demonstrate a reduction, as expressed as ash, in emissions of nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or sulfur trioxide in accordance with the American society of testing and materials standard D1757A or a reduction of metal oxide emissions in accordance with standard D5142 of that society, or clean coal technology that includes the design capability to control or prevent the emission of carbon dioxide, which design capability the commission shall adopt by rule and shall be based on economically feasible best available technology or, in the absence of a determined best available technology, shall be of the highest level of economically feasible design capability for which there exists generally accepted scientific opinion;

(d) Advanced nuclear energy technology consisting of generation III technology as defined by the nuclear regulatory commission; other, later technology; or significant improvements to existing facilities;

(e) Any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell;

(f) Advanced solid waste or construction and demolition debris conversion technology, including, but not limited to, advanced stoker technology, and advanced fluidized bed gasification technology, that results in measurable greenhouse gas emissions reductions as calculated pursuant to the United States environmental protection agency's waste reduction model (WARM);

(g) Demand-side management and any energy efficiency improvement;

(h) Any new, retrofitted, refueled, or repowered generating facility located in Ohio, including a simple or combined-cycle natural gas generating facility or a generating facility that uses biomass, coal, modular nuclear, or any other fuel as its input;

(i) Any uprated capacity of an existing electric generating facility if the uprated capacity results from the deployment of advanced technology.

"Advanced energy resource" does not include a waste energy recovery system that is, or has been, included in an energy efficiency

program of an electric distribution utility pursuant to requirements under section 4928.66 of the Revised Code.

(35) "Air contaminant source" has the same meaning as in section 3704.01 of the Revised Code.

(36) "Cogeneration technology" means technology that produces electricity and useful thermal output simultaneously.

(37)(a) "Renewable energy resource" means any of the following:

(i) Solar photovoltaic or solar thermal energy;

(ii) Wind energy;

(iii) Power produced by a hydroelectric facility;

(iv) Power produced by a small hydroelectric facility, which is a facility that operates, or is rated to operate, at an aggregate capacity of less than six megawatts;

(v) Power produced by a run-of-the-river hydroelectric facility placed in service on or after January 1, 1980, that is located within this state, relies upon the Ohio river, and operates, or is rated to operate, at an aggregate capacity of forty or more megawatts;

(vi) Geothermal energy;

(vii) Fuel derived from solid wastes, as defined in section 3734.01 of the Revised Code, through fractionation, biological decomposition, or other process that does not principally involve combustion;

(viii) Biomass energy;

(ix) Energy produced by cogeneration technology that is placed into service on or before December 31, 2015, and for which more than ninety per cent of the total annual energy input is from combustion of a waste or byproduct gas from an air contaminant source in this state, which source has been in operation since on or before January 1, 1985, provided that the cogeneration technology is a part of a facility located in a county having a population of more than three hundred sixty-five thousand but less than three hundred seventy thousand according to the most recent federal decennial census;

(x) Biologically derived methane gas;

(xi) Heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas;

(xii) Energy derived from nontreated by-products of the pulping process or wood manufacturing process, including bark, wood chips, sawdust, and lignin in spent pulping liquors.

"Renewable energy resource" includes, but is not limited to, any fuel cell used in the generation of electricity, including, but not limited to, a

proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell; wind turbine located in the state's territorial waters of Lake Erie; methane gas emitted from an abandoned coal mine; waste energy recovery system placed into service or retrofitted on or after the effective date of the amendment of this section by S.B. 315 of the 129th general assembly, September 10, 2012, except that a waste energy recovery system described in division (A)(38)(b) of this section may be included only if it was placed into service between January 1, 2002, and December 31, 2004; storage facility that will promote the better utilization of a renewable energy resource; or distributed generation system used by a customer to generate electricity from any such energy.

"Renewable energy resource" does not include a waste energy recovery system that is, or was, on or after January 1, 2012, included in an energy efficiency program of an electric distribution utility pursuant to requirements under section 4928.66 of the Revised Code.

(b) As used in division (A)(37) of this section, "hydroelectric facility" means a hydroelectric generating facility that is located at a dam on a river, or on any water discharged to a river, that is within or bordering this state or within or bordering an adjoining state and meets all of the following standards:

(i) The facility provides for river flows that are not detrimental for fish, wildlife, and water quality, including seasonal flow fluctuations as defined by the applicable licensing agency for the facility.

(ii) The facility demonstrates that it complies with the water quality standards of this state, which compliance may consist of certification under Section 401 of the "Clean Water Act of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has not contributed to a finding by this state that the river has impaired water quality under Section 303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33 U.S.C. 1313.

(iii) The facility complies with mandatory prescriptions regarding fish passage as required by the federal energy regulatory commission license issued for the project, regarding fish protection for riverine, anadromous, and catadromous fish.

(iv) The facility complies with the recommendations of the Ohio environmental protection agency and with the terms of its federal energy regulatory commission license regarding watershed protection, mitigation, or enhancement, to the extent of each agency's respective jurisdiction over the facility.

(v) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.

(vi) The facility does not harm cultural resources of the area. This can

be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.

(vii) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.

(viii) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the particular agency has jurisdiction over the facility.

(c) The standards in divisions (A)(37)(b)(i) to (viii) of this section do not apply to a small hydroelectric facility under division (A)(37)(a)(iv) of this section.

(38) "Waste energy recovery system" means either of the following:

(a) A facility that generates electricity through the conversion of energy from either of the following:

(i) Exhaust heat from engines or manufacturing, industrial, commercial, or institutional sites, except for exhaust heat from a facility whose primary purpose is the generation of electricity;

(ii) Reduction of pressure in gas pipelines before gas is distributed through the pipeline, provided that the conversion of energy to electricity is achieved without using additional fossil fuels.

(b) A facility at a state institution of higher education as defined in section 3345.011 of the Revised Code that recovers waste heat from electricity-producing engines or combustion turbines and that simultaneously uses the recovered heat to produce steam, provided that the facility was placed into service between January 1, 2002, and December 31, 2004.

(39) "Smart grid" means capital improvements to an electric distribution utility's distribution infrastructure that improve reliability, efficiency, resiliency, or reduce energy demand or use, including, but not limited to, advanced metering and automation of system functions.

(40) "Combined heat and power system" means the coproduction of electricity and useful thermal energy from the same fuel source designed to achieve thermal-efficiency levels of at least sixty per cent, with at least twenty per cent of the system's total useful energy in the form of thermal energy.

~~(41) "Legacy generation resource" means all generating facilities-~~

owned directly or indirectly by a corporation that was formed prior to 1960 by investor-owned utilities for the original purpose of providing power to the federal government for use in the nation's defense or in furtherance of national interests, including the Ohio valley electric corporation:

(42) "Prudently incurred costs related to a legacy generation resource" means costs, including deferred costs, allocated pursuant to a power agreement approved by the federal energy regulatory commission that relates to a legacy generation resource, less any revenues realized from offering the contractual commitment for the power agreement into the wholesale markets, provided that where the net revenues exceed net costs, those excess revenues shall be credited to customers. Such costs shall exclude any return on investment in common equity and, in the event of a premature retirement of a legacy generation resource, shall exclude any recovery of remaining debt. Such costs shall include any incremental costs resulting from the bankruptcy of a current or former sponsor under such power agreement or co-owner of the legacy generation resource if not otherwise recovered through a utility rate cost recovery mechanism.

(B) For the purposes of this chapter, a retail electric service component shall be deemed a competitive retail electric service if the service component is competitive pursuant to a declaration by a provision of the Revised Code or pursuant to an order of the public utilities commission authorized under division (A) of section 4928.04 of the Revised Code. Otherwise, the service component shall be deemed a noncompetitive retail electric service.

Sec. 4928.64. (A)(1) As used in this section, "qualifying renewable energy resource" means a renewable energy resource, as defined in section 4928.01 of the Revised Code that:

- (a) Has a placed-in-service date on or after January 1, 1998;
- (b) Is any run-of-the-river hydroelectric facility that has an in-service date on or after January 1, 1980;
- (c) Is a small hydroelectric facility;
- (d) Is created on or after January 1, 1998, by the modification or retrofit of any facility placed in service prior to January 1, 1998; or
- (e) Is a mercantile customer-sited renewable energy resource, whether new or existing, that the mercantile customer commits for integration into the electric distribution utility's demand-response, energy efficiency, or peak demand reduction programs as provided under division (A)(2)(c) of section 4928.66 of the Revised Code, including, but not limited to, any of the following:
 - (i) A resource that has the effect of improving the relationship between real and reactive power;

(ii) A resource that makes efficient use of waste heat or other thermal capabilities owned or controlled by a mercantile customer;

(iii) Storage technology that allows a mercantile customer more flexibility to modify its demand or load and usage characteristics;

(iv) Electric generation equipment owned or controlled by a mercantile customer that uses a renewable energy resource.

(2) For the purpose of this section and as it considers appropriate, the public utilities commission may classify any new technology as such a qualifying renewable energy resource.

(B)(1) ~~By the end of 2026, 2027 and thereafter,~~ an electric distribution utility shall ~~have provided~~ provide from qualifying renewable energy resources, including, at its discretion, qualifying renewable energy resources obtained pursuant to an electricity supply contract, a portion of the electricity supply required for its standard service offer under section 4928.141 of the Revised Code, and an electric services company shall ~~have provided~~ provide a portion of its electricity supply for retail consumers in this state from qualifying renewable energy resources, including, at its discretion, qualifying renewable energy resources obtained pursuant to an electricity supply contract. That portion shall equal ~~eight~~ eight-twelve and one-half per cent of the total number of kilowatt hours of electricity sold by the subject utility or company to any and all retail electric consumers whose electric load centers are served by that utility and are located within the utility's certified territory or, in the case of an electric services company, are served by the company and are located within this state. However, nothing in this section precludes a utility or company from providing a greater percentage.

(2) ~~Subject to section 4928.642 of the Revised Code, the~~ The portion required under division (B)(1) of this section shall be generated from renewable energy resources, including one-half per cent from solar energy resources, in accordance with the following benchmarks:

	1	2	3
A	By end of year	Renewable energy resources	Solar energy resources
B	2009	0.25%	0.004%
C	2010	0.50%	0.010%
D	2011	1%	0.030%
E	2012	1.5%	0.060%

F	2013	2%	0.090%
G	2014	2.5%	0.12%
H	2015	2.5%	0.12%
I	2016	2.5%	0.12%
J	2017	3.5%	0.15%
K	2018	4.5%	0.18%
L	2019	5.5%	0.22%
M	2020	5.5%	0%
N	2021	6% <u>7.5%</u>	0% <u>0.3%</u>
O	2022	6.5% <u>8.5%</u>	0% <u>0.34%</u>
P	2023	7% <u>9.5%</u>	0% <u>0.38%</u>
Q	2024	7.5% <u>10.5%</u>	0% <u>0.42%</u>
R	2025	8% <u>11.5%</u>	0% <u>0.46%</u>
S	<u>2026 and each</u> <u>calendar year</u> <u>thereafter</u>	8.5% <u>12.5%</u>	0% <u>0.5%</u>

(3) The qualifying renewable energy resources implemented by the utility or company shall be met either:

(a) Through facilities located in this state; or

(b) With resources that can be shown to be deliverable into this state.

(C)(1) The commission annually shall review an electric distribution utility's or electric services company's compliance with the most recent applicable benchmark under division (B)(2) of this section and, in the course of that review, shall identify any undercompliance or noncompliance of the utility or company that it determines is weather-related, related to equipment or resource shortages for qualifying renewable energy resources as applicable, or is otherwise outside the utility's or company's control.

(2) Subject to the cost cap provisions of division (C)(3) of this section, if the commission determines, after notice and opportunity for hearing, and based upon its findings in that review regarding avoidable undercompliance or noncompliance, but subject to division (C)(4) of this section, that the utility or company has failed to comply with any such benchmark, the commission shall impose a renewable energy compliance payment on the utility or company.

(a) The compliance payment pertaining to the solar energy resource benchmarks under division (B)(2) of this section shall be an amount per megawatt hour of undercompliance or noncompliance in the period under review, as follows:

(i) Three hundred dollars for 2014, 2015, and 2016;

(ii) Two hundred fifty dollars for 2017 and 2018;

(iii) Two hundred dollars for 2019;

(iv) One hundred fifty dollars for 2021 and 2022;

(v) Similarly reduced every two years thereafter through 2026 by fifty dollars, to a minimum of fifty dollars.

(b) The compliance payment pertaining to the renewable energy resource benchmarks under division (B)(2) of this section shall equal the number of additional renewable energy credits that the electric distribution utility or electric services company would have needed to comply with the applicable benchmark in the period under review times an amount that shall begin at forty-five dollars and shall be adjusted annually by the commission to reflect any change in the consumer price index as defined in section 101.27 of the Revised Code, but shall not be less than forty-five dollars.

(c) The compliance payment shall not be passed through by the electric distribution utility or electric services company to consumers. The compliance payment shall be remitted to the commission, for deposit to the credit of the advanced energy fund created under section 4928.61 of the Revised Code. Payment of the compliance payment shall be subject to such collection and enforcement procedures as apply to the collection of a forfeiture under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code.

(3) An electric distribution utility or an electric services company need not comply with a benchmark under division (B)(2) of this section to the extent that its reasonably expected cost of that compliance exceeds its reasonably expected cost of otherwise producing or acquiring the requisite electricity by three per cent or more. The cost of compliance shall be calculated as though any exemption from taxes and assessments had not been granted under section 5727.75 of the Revised Code.

(4)(a) An electric distribution utility or electric services company

may request the commission to make a force majeure determination pursuant to this division regarding all or part of the utility's or company's compliance with any minimum benchmark under division (B)(2) of this section during the period of review occurring pursuant to division (C)(2) of this section. The commission may require the electric distribution utility or electric services company to make solicitations for renewable energy resource credits as part of its default service before the utility's or company's request of force majeure under this division can be made.

(b) Within ninety days after the filing of a request by an electric distribution utility or electric services company under division (C)(4)(a) of this section, the commission shall determine if qualifying renewable energy resources are reasonably available in the marketplace in sufficient quantities for the utility or company to comply with the subject minimum benchmark during the review period. In making this determination, the commission shall consider whether the electric distribution utility or electric services company has made a good faith effort to acquire sufficient qualifying renewable energy or, as applicable, solar energy resources to so comply, including, but not limited to, by banking or seeking renewable energy resource credits or by seeking the resources through long-term contracts. Additionally, the commission shall consider the availability of qualifying renewable energy or solar energy resources in this state and other jurisdictions in the PJM interconnection regional transmission organization, L.L.C., or its successor and the midcontinent independent system operator or its successor.

(c) If, pursuant to division (C)(4)(b) of this section, the commission determines that qualifying renewable energy or solar energy resources are not reasonably available to permit the electric distribution utility or electric services company to comply, during the period of review, with the subject minimum benchmark prescribed under division (B)(2) of this section, the commission shall modify that compliance obligation of the utility or company as it determines appropriate to accommodate the finding. Commission modification shall not automatically reduce the obligation for the electric distribution utility's or electric services company's compliance in subsequent years. If it modifies the electric distribution utility or electric services company obligation under division (C)(4)(c) of this section, the commission may require the utility or company, if sufficient renewable energy resource credits exist in the marketplace, to acquire additional renewable energy resource credits in subsequent years equivalent to the utility's or company's modified obligation under division (C)(4)(c) of this section.

(5) The commission shall establish a process to provide for at least an annual review of the renewable energy resource market in this state and in the service territories of the regional transmission organizations that manage transmission systems located in this state. The commission shall use the

results of this study to identify any needed changes to the amount of the renewable energy compliance payment specified under divisions (C)(2)(a) and (b) of this section. Specifically, the commission may increase the amount to ensure that payment of compliance payments is not used to achieve compliance with this section in lieu of actually acquiring or realizing energy derived from qualifying renewable energy resources. However, if the commission finds that the amount of the compliance payment should be otherwise changed, the commission shall present this finding to the general assembly for legislative enactment.

(D) The commission annually shall submit to the general assembly in accordance with section 101.68 of the Revised Code a report describing all of the following:

(1) The compliance of electric distribution utilities and electric services companies with division (B) of this section;

(2) The average annual cost of renewable energy credits purchased by utilities and companies for the year covered in the report;

(3) Any strategy for utility and company compliance or for encouraging the use of qualifying renewable energy resources in supplying this state's electricity needs in a manner that considers available technology, costs, job creation, and economic impacts.

The commission shall begin providing the information described in division (D)(2) of this section in each report submitted after September 10, 2012. The commission shall allow and consider public comments on the report prior to its submission to the general assembly. Nothing in the report shall be binding on any person, including any utility or company for the purpose of its compliance with any benchmark under division (B) of this section, or the enforcement of that provision under division (C) of this section.

(E) All costs incurred by an electric distribution utility in complying with the requirements of this section shall be bypassable by any consumer that has exercised choice of supplier under section 4928.03 of the Revised Code.

Sec. 4928.641. (A) If an electric distribution utility has executed a contract before April 1, 2014, to procure renewable energy resources and there are ongoing costs associated with that contract that are being recovered from customers through a bypassable charge as of September 12, 2014, that cost recovery shall, regardless of the amendments to section 4928.64 of the Revised Code by H.B. 6 of the 133rd general assembly, continue on a bypassable basis through December 31, 2032 until the prudently incurred costs associated with that contract are fully recovered.

(B) Division (A) of this section applies only to costs associated with

the original term of a contract described in that division and entered into before April 1, 2014. This section does not permit recovery of costs associated with an extension of such a contract. This section does not permit recovery of costs associated with an amendment of such a contract if that amendment was made on or after April 1, 2014.

Sec. 4928.644. (A) The public utilities commission may reduce either baseline described in section 4928.643 of the Revised Code to adjust for new economic growth in the electric distribution utility's certified territory or in the electric services company's service area in this state.

~~(B) To facilitate the competitiveness of mercantile customers located in this state that are registered as self-assessing purchasers under division (C) of section 5727.81 of the Revised Code, the commission shall reduce both baselines described in section 4928.643 of the Revised Code to exclude the load and usage of those self-assessing purchasers. Upon the effective date of this reduction, both of the following shall apply:~~

~~(1) Any electric distribution utility or electric services company serving such a self-assessing purchaser shall be relieved of the amount of compliance with section 4928.64 of the Revised Code that would be required but for the baseline reduction.~~

~~(2) Such a self-assessing purchaser shall be exempt from any bypassable charge imposed under division (E) of section 4928.64 of the Revised Code.~~

Sec. 4928.645. (A) An electric distribution utility or electric services company may use, for the purpose of complying with the requirements under divisions (B)(1) and (2) of section 4928.64 of the Revised Code, renewable energy credits any time in the five calendar years following the date of their purchase or acquisition from any entity, including, but not limited to, the following:

(1) A mercantile customer;

(2) An owner or operator of a hydroelectric generating facility that is located at a dam on a river, or on any water discharged to a river, that is within or bordering this state or within or bordering an adjoining state, or that produces power that can be shown to be deliverable into this state;

(3) A seller of compressed natural gas that has been produced from biologically derived methane gas, provided that the seller may only provide renewable energy credits for metered amounts of gas.

(B)(1) The public utilities commission shall adopt rules specifying that one unit of credit shall equal one megawatt hour of electricity derived from renewable energy resources, except that, for a generating facility of seventy-five megawatts or greater that is situated within this state and has committed by December 31, 2009, to modify or retrofit its generating unit or

units to enable the facility to generate principally from biomass energy by June 30, 2013, each megawatt hour of electricity generated principally from that biomass energy shall equal, in units of credit, the product obtained by multiplying the actual percentage of biomass feedstock heat input used to generate such megawatt hour by the quotient obtained by dividing the then existing unit dollar amount used to determine a renewable energy compliance payment as provided under division (C)(2)(b) of section 4928.64 of the Revised Code by the then existing market value of one renewable energy credit, but such megawatt hour shall not equal less than one unit of credit. Renewable energy resources do not have to be converted to electricity in order to be eligible to receive renewable energy credits. The rules shall specify that, for purposes of converting the quantity of energy derived from biologically derived methane gas to an electricity equivalent, one megawatt hour equals 3,412,142 British thermal units.

(2) The rules also shall provide for this state a system of registering renewable energy credits by specifying which of any generally available registries shall be used for that purpose and not by creating a registry. That selected system of registering renewable energy credits shall allow a hydroelectric generating facility to be eligible for obtaining renewable energy credits and shall allow customer-sited projects or actions the broadest opportunities to be eligible for obtaining renewable energy credits.

~~(C) Beginning January 1, 2020, a qualifying solar resource as defined in section 3706.40 of the Revised Code is not eligible to obtain a renewable energy credit under this section for any megawatt hour for which the resource has been issued a solar energy credit under section 3706.45 of the Revised Code.~~

Sec. 4928.66. (A)(1)(a) Beginning in 2009, an electric distribution utility shall implement energy efficiency programs that achieve energy savings equivalent to at least three-tenths of one per cent of the total, annual average, and normalized kilowatt-hour sales of the electric distribution utility during the preceding three calendar years to customers in this state. An energy efficiency program may include a combined heat and power system placed into service or retrofitted on or after the effective date of the amendment of this section by S.B. 315 of the 129th general assembly, September 10, 2012, or a waste energy recovery system placed into service or retrofitted on or after September 10, 2012, except that a waste energy recovery system described in division (A)(38)(b) of section 4928.01 of the Revised Code may be included only if it was placed into service between January 1, 2002, and December 31, 2004. For a waste energy recovery or combined heat and power system, the savings shall be as estimated by the public utilities commission. The savings requirement, using such a three-year average, shall increase to an additional five-tenths of one per cent in 2010, seven-tenths of one per cent in 2011, eight-tenths of one per cent in 2012,

nine-tenths of one per cent in 2013, and one per cent in 2014. In 2015 and 2016, an electric distribution utility shall achieve energy savings equal to the result of subtracting the cumulative energy savings achieved since 2009 from the product of multiplying the baseline for energy savings, described in division (A)(2)(a) of this section, by four and two-tenths of one per cent. If the result is zero or less for the year for which the calculation is being made, the utility shall not be required to achieve additional energy savings for that year, but may achieve additional energy savings for that year. ~~The Thereafter, the annual savings requirements shall be, for years 2017, 2018, 2019, and 2020, an additional one per cent of the baseline, and two per cent each year thereafter, achieving cumulative energy savings in excess of twenty-two per cent by the end of 2027.~~ For purposes of a waste energy recovery or combined heat and power system, an electric distribution utility shall not apply more than the total annual percentage of the electric distribution utility's industrial-customer load, relative to the electric distribution utility's total load, to the annual energy savings requirement.

(b) Beginning in 2009, an electric distribution utility shall implement peak demand reduction programs designed to achieve a one per cent reduction in peak demand in 2009 and an additional seventy-five hundredths of one per cent reduction each year through 2014. In 2015 and 2016, an electric distribution utility shall achieve a reduction in peak demand equal to the result of subtracting the cumulative peak demand reductions achieved since 2009 from the product of multiplying the baseline for peak demand reduction, described in division (A)(2)(a) of this section, by four and seventy-five hundredths of one per cent. If the result is zero or less for the year for which the calculation is being made, the utility shall not be required to achieve an additional reduction in peak demand for that year, but may achieve an additional reduction in peak demand for that year. In 2017 and each year thereafter through 2020, the utility shall achieve an additional seventy-five hundredths of one per cent reduction in peak demand.

(2) For the purposes of divisions (A)(1)(a) and (b) of this section:

(a) The baseline for energy savings under division (A)(1)(a) of this section shall be the average of the total kilowatt hours the electric distribution utility sold in the preceding three calendar years. The baseline for a peak demand reduction under division (A)(1)(b) of this section shall be the average peak demand on the utility in the preceding three calendar years, except that the commission may reduce either baseline to adjust for new economic growth in the utility's certified territory. Neither baseline shall include the load and usage of any of the following customers:

- (i) Beginning January 1, 2017, a customer for which a reasonable arrangement has been approved under section 4905.31 of the Revised Code;
- (ii) A customer that has opted out of the utility's portfolio plan under

section 4928.6611 of the Revised Code;

(iii) A customer that has opted out of the utility's portfolio plan under Section 8 of S.B. 310 of the 130th general assembly.

(b) The commission may amend the benchmarks set forth in division (A)(1)(a) or (b) of this section if, after application by the electric distribution utility, the commission determines that the amendment is necessary because the utility cannot reasonably achieve the benchmarks due to regulatory, economic, or technological reasons beyond its reasonable control.

(c) Compliance with divisions (A)(1)(a) and (b) of this section shall be measured by including the effects of all demand-response programs for mercantile customers of the subject electric distribution utility, all waste energy recovery systems and all combined heat and power systems, and all such mercantile customer-sited energy efficiency, including waste energy recovery and combined heat and power, and peak demand reduction programs, adjusted upward by the appropriate loss factors. Any mechanism designed to recover the cost of energy efficiency, including waste energy recovery and combined heat and power, and peak demand reduction programs under divisions (A)(1)(a) and (b) of this section may exempt mercantile customers that commit their demand-response or other customer-sited capabilities, whether existing or new, for integration into the electric distribution utility's demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction programs, if the commission determines that that exemption reasonably encourages such customers to commit those capabilities to those programs. If a mercantile customer makes such existing or new demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction capability available to an electric distribution utility pursuant to division (A)(2)(c) of this section, the electric utility's baseline under division (A)(2)(a) of this section shall be adjusted to exclude the effects of all such demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction programs that may have existed during the period used to establish the baseline. The baseline also shall be normalized for changes in numbers of customers, sales, weather, peak demand, and other appropriate factors so that the compliance measurement is not unduly influenced by factors outside the control of the electric distribution utility.

(d)(i) Programs implemented by a utility may include the following:

(I) Demand-response programs;

(II) Smart grid investment programs, provided that such programs are demonstrated to be cost-beneficial;

(III) Customer-sited programs, including waste energy recovery and combined heat and power systems;

(IV) Transmission and distribution infrastructure improvements that reduce line losses;

(V) Energy efficiency savings and peak demand reduction that are achieved, in whole or in part, as a result of funding provided from the universal service fund established by section 4928.51 of the Revised Code to benefit low-income customers through programs that include, but are not limited to, energy audits, the installation of energy efficiency insulation, appliances, and windows, and other weatherization measures.

(ii) No energy efficiency or peak demand reduction achieved under divisions (A)(2)(d)(i)(IV) and (V) of this section shall qualify for shared savings.

(iii) Division (A)(2)(c) of this section shall be applied to include facilitating efforts by a mercantile customer or group of those customers to offer customer-sited demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction capabilities to the electric distribution utility as part of a reasonable arrangement submitted to the commission pursuant to section 4905.31 of the Revised Code.

(e) No programs or improvements described in division (A)(2)(d) of this section shall conflict with any statewide building code adopted by the board of building standards.

(B) In accordance with rules it shall adopt, the public utilities commission shall produce and docket at the commission an annual report containing the results of its verification of the annual levels of energy efficiency and of peak demand reductions achieved by each electric distribution utility pursuant to division (A) of this section. A copy of the report shall be provided to the consumers' counsel.

(C) If the commission determines, after notice and opportunity for hearing and based upon its report under division (B) of this section, that an electric distribution utility has failed to comply with an energy efficiency or peak demand reduction requirement of division (A) of this section, the commission shall assess a forfeiture on the utility as provided under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code, either in the amount, per day per undercompliance or noncompliance, relative to the period of the report, equal to that prescribed for noncompliances under section 4905.54 of the Revised Code, or in an amount equal to the then existing market value of one renewable energy credit per megawatt hour of undercompliance or noncompliance. Revenue from any forfeiture assessed under this division shall be deposited to the credit of the advanced energy fund created under section 4928.61 of the Revised Code.

(D) The commission may establish rules regarding the content of an application by an electric distribution utility for commission approval of a

revenue decoupling mechanism under this division. Such an application shall not be considered an application to increase rates and may be included as part of a proposal to establish, continue, or expand energy efficiency or conservation programs. The commission by order may approve an application under this division if it determines both that the revenue decoupling mechanism provides for the recovery of revenue that otherwise may be forgone by the utility as a result of or in connection with the implementation by the electric distribution utility of any energy efficiency or energy conservation programs and reasonably aligns the interests of the utility and of its customers in favor of those programs.

(E) The commission additionally shall adopt rules that require an electric distribution utility to provide a customer upon request with two years' consumption data in an accessible form.

~~(F)(1) As used in divisions (F)(2), (3), and (4) of this section, "portfolio plan" has the same meaning as in division (C)(1) of section 4928.6610 of the Revised Code.~~

~~(2) If an electric distribution utility has a portfolio plan in effect as of the effective date of the amendments to this section by H.B. 6 of the 133rd general assembly and that plan expires before December 31, 2020, the commission shall extend the plan through that date. All portfolio plans shall terminate on that date.~~

~~(3) If a portfolio plan is extended beyond its commission approved term by division (F)(2) of this section, the existing plan's budget shall be increased for the extended term to include an amount equal to the annual average of the approved budget for all years of the portfolio plan in effect as of the effective date of the amendments to this section by H.B. 6 of the 133rd general assembly.~~

~~(4) All other terms and conditions of a portfolio plan extended beyond its commission approved term by division (F)(2) of this section shall remain the same unless changes are authorized by the commission.~~

~~(G)(1) Not later than February 1, 2021, the commission shall determine the cumulative energy savings collectively achieved, since 2009, by all electric distribution utilities in this state as of December 31, 2020. In determining that cumulative total, the commission shall do both of the following:~~

~~(a) Include energy savings that were estimated by the commission to be achieved as of December 31, 2020, and banked under division (G) of section 4928.662 of the Revised Code;~~

~~(b) Use an energy savings baseline that is the average of the total kilowatt hours sold by all electric distribution utilities in this state in the calendar years 2018, 2019, and 2020. The baseline shall exclude the load and~~

usage described in division (A)(2)(a)(i), (ii), and (iii) of this section. That baseline may also be reduced for new economic growth in the utility's-certified territory as provided in division (A)(2)(a) of this section and adjusted and normalized as provided in division (A)(2)(c) of this section.

(2)(a) If the cumulative energy savings collectively achieved as determined by the commission under division (G)(1) of this section is at least seventeen and one-half per cent of the baseline described in division (G)(1)(b) of this section, then full compliance with division (A)(1)(a) of this section shall be deemed to have been achieved notwithstanding any provision of this section to the contrary.

(b) If the cumulative energy savings collectively achieved as determined by the commission under division (G)(1) of this section is less than seventeen and one-half per cent of the baseline described in division (G)(1)(b) of this section, then both of the following shall apply:

(i) The commission shall determine the manner in which further implementation of energy efficiency programs shall occur as may be reasonably necessary for collective achievement of cumulative energy savings equal to seventeen and one-half percent, and not more, of the baseline described in division (G)(1)(b) of this section.

(ii) Full compliance with division (A)(1)(a) of this section shall be deemed to be achieved as of a date certain established by the commission notwithstanding any provision of this section to the contrary.

(3) Upon the date that full compliance with division (A)(1)(a) of this section is deemed achieved under division (G)(2)(a) or (b) of this section, any electric distribution utility cost recovery mechanisms authorized by the commission for compliance with this section shall terminate except as may be necessary to reconcile the difference between revenue collected and the allowable cost of compliance associated with compliance efforts occurring prior to the date upon which full compliance with division (A)(1)(a) of this section is deemed achieved. No such cost recovery mechanism shall be authorized by the commission beyond the period of time required to complete this final reconciliation.

Sec. 4928.6610. As used in sections 4928.6611 to 4928.6615-4928.6616 of the Revised Code:

(A) "Customer" means either of the following:

(1) Effective January 1, 2020, a mercantile customer as defined in section 4928.01 of the Revised Code;

(2) Any any customer of an electric distribution utility to which either of the following applies:

(a) (1) The customer receives service above the primary voltage level as determined by the utility's tariff classification.

~~(b)-(2)~~ The customer is a commercial or industrial customer to which both of the following apply:

~~(i)-(a)~~ The customer receives electricity through a meter of an end user or through more than one meter at a single location in a quantity that exceeds forty-five million kilowatt hours of electricity for the preceding calendar year.

~~(ii)-(b)~~ The customer has made a written request for registration as a self-assessing purchaser pursuant to section 5727.81 of the Revised Code.

(B) "Energy intensity" means the amount of energy, from electricity, used or consumed per unit of production.

(C) "Portfolio plan" means ~~either of the following:~~

~~(1) The comprehensive energy efficiency and peak-demand reduction program portfolio plan required under rules adopted by the public utilities commission and codified in Chapter 4901:1-39 of the Administrative Code or hereafter recodified or amended;~~

~~(2) Any plan implemented pursuant to division (G) of section 4928.66 of the Revised Code.~~

Sec. 4928.6616. (A) Not later than sixty days after the effective date at a customer's election to opt out under section 4928.6611 of the Revised Code, the customer shall prepare and submit an initial report to the staff of the public utilities commission. The report shall summarize the projects, actions, policies, or practices that the customer may consider implementing, based on the customer's cost-effectiveness criteria, for the purpose of reducing energy intensity.

(B) For as long as the opt out is in effect, the customer shall, at least once every twenty-four months, commencing with the effective date of the election to opt out, prepare and submit, to the staff of the commission, an updated report. The updated report shall include a general description of any cumulative amount of energy-intensity reductions achieved by the customer during the period beginning on the effective date of the election to opt out and ending not later than sixty days prior to the date that the updated report is submitted.

(C) All reports filed under this section shall be verified by the customer.

(D) Upon submission of any updated report under division (B) of this section, the staff of the commission may request the customer to provide additional information on the energy-intensity-reducing projects, actions, policies, or practices implemented by the customer and the amount of energy-intensity reductions achieved during the period covered by the updated report.

(E) Any information contained in any report submitted under this

section and any customer responses to requests for additional information shall be deemed to be confidential, proprietary, and a trade secret. No such information or response shall be publicly divulged without written authorization by the customer or used for any purpose other than to identify the amount of energy-intensity reductions achieved by the customer.

(F) If the commission finds, after notice and a hearing, that the customer has failed to achieve any substantial cumulative reduction in energy intensity identified by the customer in an updated report submitted under division (B) of this section, and if the failure is not excusable for good cause shown by the customer, the commission may suspend the opt out for the period of time that it may take the customer to achieve the cumulative reduction in energy intensity identified by the customer but no longer.

Sec. 5727.75. (A) For purposes of this section:

(1) "Qualified energy project" means an energy project certified by the director of development services pursuant to this section.

(2) "Energy project" means a project to provide electric power through the construction, installation, and use of an energy facility.

(3) "Alternative energy zone" means a county declared as such by the board of county commissioners under division (E)(1)(b) or (c) of this section.

(4) "Full-time equivalent employee" means the total number of employee-hours for which compensation was paid to individuals employed at a qualified energy project for services performed at the project during the calendar year divided by two thousand eighty hours.

(5) "Solar energy project" means an energy project composed of an energy facility using solar panels to generate electricity.

(6) "Internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.

(B)(1) Tangible personal property of a qualified energy project using renewable energy resources is exempt from taxation for tax years 2011 through 2023 if all of the following conditions are satisfied:

(a) On or before December 31, 2022, the owner or a lessee pursuant to a sale and leaseback transaction of the project submits an application to the power siting board for a certificate under section 4906.20 of the Revised Code, or if that section does not apply, submits an application for any approval, consent, permit, or certificate or satisfies any condition required by a public agency or political subdivision of this state for the construction or initial operation of an energy project.

(b) Construction or installation of the energy facility begins on or after January 1, 2009, and before January 1, 2023. For the purposes of this division, construction begins on the earlier of the date of application for a certificate or other approval or permit described in division (B)(1)(a) of this

section, or the date the contract for the construction or installation of the energy facility is entered into.

(c) For a qualified energy project with a nameplate capacity of ~~twenty-five~~ five megawatts or greater, a board of county commissioners of a county in which property of the project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting an application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(2) If tangible personal property of a qualified energy project using renewable energy resources was exempt from taxation under this section beginning in any of tax years 2011 through 2023, and the certification under division (E)(2) of this section has not been revoked, the tangible personal property of the qualified energy project is exempt from taxation for tax year 2024 and all ensuing tax years if the property was placed into service before January 1, 2024, as certified in the construction progress report required under division (F)(2) of this section. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation. An energy project for which certification has been revoked is ineligible for further exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(C) Tangible personal property of a qualified energy project using clean coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met:

(1) The property was placed into service before January 1, 2021. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation.

(2) For such a qualified energy project with a nameplate capacity of ~~twenty-five~~ five megawatts or greater, a board of county commissioners of a county in which property of the qualified energy project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting the application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(3) The certification for the qualified energy project issued under

division (E)(2) of this section has not been revoked. An energy project for which certification has been revoked is ineligible for exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(D) Except as otherwise provided in this section, real property of a qualified energy project is exempt from taxation for any tax year for which the tangible personal property of the qualified energy project is exempted under this section.

(E)(1)(a) A person may apply to the director of development services for certification of an energy project as a qualified energy project on or before the following dates:

(i) December 31, 2022, for an energy project using renewable energy resources;

(ii) December 31, 2017, for an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology.

(b) The director shall forward a copy of each application for certification of an energy project with a nameplate capacity of ~~twenty-five~~ megawatts or greater to the board of county commissioners of each county in which the project is located and to each taxing unit with territory located in each of the affected counties. Any board that receives from the director a copy of an application submitted under this division shall adopt a resolution approving or rejecting the application unless it has adopted a resolution under division (E)(1)(c) of this section. A resolution adopted under division (E)(1)(b) or (c) of this section may require an annual service payment to be made in addition to the service payment required under division (G) of this section. The sum of the service payment required in the resolution and the service payment required under division (G) of this section shall not exceed nine thousand dollars per megawatt of nameplate capacity located in the county. The resolution shall specify the time and manner in which the payments required by the resolution shall be paid to the county treasurer. The county treasurer shall deposit the payment to the credit of the county's general fund to be used for any purpose for which money credited to that fund may be used.

The board shall send copies of the resolution to the owner of the facility and the director by certified mail or, if the board has record of an internet identifier of record associated with the owner or director, by ordinary mail and by that internet identifier of record. The board shall send such notice within thirty days after receipt of the application, or a longer period of time if authorized by the director.

(c) A board of county commissioners may adopt a resolution declaring the county to be an alternative energy zone and declaring all

applications submitted to the director of development services under this division after the adoption of the resolution, and prior to its repeal, to be approved by the board.

All tangible personal property and real property of an energy project with a nameplate capacity of ~~twenty-five~~ twenty-five megawatts or greater is taxable if it is located in a county in which the board of county commissioners adopted a resolution rejecting the application submitted under this division or failed to adopt a resolution approving the application under division (E)(1)(b) or (c) of this section.

(2) The director shall certify an energy project if all of the following circumstances exist:

(a) The application was timely submitted.

(b) For an energy project with a nameplate capacity of ~~twenty-five~~ twenty-five megawatts or greater, a board of county commissioners of at least one county in which the project is located has adopted a resolution approving the application under division (E)(1)(b) or (c) of this section.

(c) No portion of the project's facility was used to supply electricity before December 31, 2009.

(3) The director shall deny a certification application if the director determines the person has failed to comply with any requirement under this section. The director may revoke a certification if the director determines the person, or subsequent owner or lessee pursuant to a sale and leaseback transaction of the qualified energy project, has failed to comply with any requirement under this section. Upon certification or revocation, the director shall notify the person, owner, or lessee, the tax commissioner, and the county auditor of a county in which the project is located of the certification or revocation. Notice shall be provided in a manner convenient to the director.

(F) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall do each of the following:

(1) Comply with all applicable regulations;

(2) File with the director of development services a certified construction progress report before the first day of March of each year during the energy facility's construction or installation indicating the percentage of the project completed, and the project's nameplate capacity, as of the preceding thirty-first day of December. Unless otherwise instructed by the director of development services, the owner or lessee of an energy project shall file a report with the director on or before the first day of March each year after completion of the energy facility's construction or installation indicating the project's nameplate capacity as of the preceding thirty-first day of December. Not later than sixty days after June 17, 2010, the owner or

lessee of an energy project, the construction of which was completed before June 17, 2010, shall file a certificate indicating the project's nameplate capacity.

(3) File with the director of development services, in a manner prescribed by the director, a report of the total number of full-time equivalent employees, and the total number of full-time equivalent employees domiciled in Ohio, who are employed in the construction or installation of the energy facility;

(4) For energy projects with a nameplate capacity of ~~twenty-five~~ megawatts or greater, repair all roads, bridges, and culverts affected by construction as reasonably required to restore them to their preconstruction condition, as determined by the county engineer in consultation with the local jurisdiction responsible for the roads, bridges, and culverts. In the event that the county engineer deems any road, bridge, or culvert to be inadequate to support the construction or decommissioning of the energy facility, the road, bridge, or culvert shall be rebuilt or reinforced to the specifications established by the county engineer prior to the construction or decommissioning of the facility. The owner or lessee of the facility shall post a bond in an amount established by the county engineer and to be held by the board of county commissioners to ensure funding for repairs of roads, bridges, and culverts affected during the construction. The bond shall be released by the board not later than one year after the date the repairs are completed. The energy facility owner or lessee pursuant to a sale and leaseback transaction shall post a bond, as may be required by the Ohio power siting board in the certificate authorizing commencement of construction issued pursuant to section 4906.10 of the Revised Code, to ensure funding for repairs to roads, bridges, and culverts resulting from decommissioning of the facility. The energy facility owner or lessee and the county engineer may enter into an agreement regarding specific transportation plans, reinforcements, modifications, use and repair of roads, financial security to be provided, and any other relevant issue.

(5) Provide or facilitate training for fire and emergency responders for response to emergency situations related to the energy project and, for energy projects with a nameplate capacity of ~~twenty-five~~ megawatts or greater, at the person's expense, equip the fire and emergency responders with proper equipment as reasonably required to enable them to respond to such emergency situations;

(6) Maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than eighty per cent in the case of a solar energy project, and not less than fifty per cent in the case of any other energy project. In the case of an energy project for which certification from

the power siting board is required under section 4906.20 of the Revised Code, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed in the certificate application, if such projection is required under regulations adopted pursuant to section 4906.03 of the Revised Code, whichever is greater. For all other energy projects, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed by the director of development services, whichever is greater. To estimate the number of employees to be employed in the construction or installation of an energy project, the director shall use a generally accepted job-estimating model in use for renewable energy projects, including but not limited to the job and economic development impact model. The director may adjust an estimate produced by a model to account for variables not accounted for by the model.

(7) For energy projects with a nameplate capacity in excess of ~~twenty~~ two megawatts, establish a relationship with a member of the university system of Ohio as defined in section 3345.011 of the Revised Code or with a person offering an apprenticeship program registered with the employment and training administration within the United States department of labor or with the apprenticeship council created by section 4139.02 of the Revised Code, to educate and train individuals for careers in the wind or solar energy industry. The relationship may include endowments, cooperative programs, internships, apprenticeships, research and development projects, and curriculum development.

(8) Offer to sell power or renewable energy credits from the energy project to electric distribution utilities or electric service companies subject to renewable energy resource requirements under section 4928.64 of the Revised Code that have issued requests for proposal for such power or renewable energy credits. If no electric distribution utility or electric service company issues a request for proposal on or before December 31, 2010, or accepts an offer for power or renewable energy credits within forty-five days after the offer is submitted, power or renewable energy credits from the energy project may be sold to other persons. Division (F)(8) of this section does not apply if:

(a) The owner or lessee is a rural electric company or a municipal power agency as defined in section 3734.058 of the Revised Code.

(b) The owner or lessee is a person that, before completion of the energy project, contracted for the sale of power or renewable energy credits with a rural electric company or a municipal power agency.

(c) The owner or lessee contracts for the sale of power or renewable energy credits from the energy project before June 17, 2010.

(9) Make annual service payments as required by division (G) of this section and as may be required in a resolution adopted by a board of county commissioners under division (E) of this section.

(G) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payments of taxes on public utility personal property on the real and public utility personal property tax list for each tax year for which property of the energy project is exempt from taxation under this section. The county treasurer shall allocate the payment on the basis of the project's physical location. Upon receipt of a payment, or if timely payment has not been received, the county treasurer shall certify such receipt or non-receipt to the director of development services and tax commissioner in a form determined by the director and commissioner, respectively. Each payment shall be in the following amount:

(1) In the case of a solar energy project, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first-day of December of the preceding tax year;

(2) In the case of any other energy project using renewable energy resources, the following:

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

(3) In the case of an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology, the following:

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees

to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

(H) The director of development services in consultation with the tax commissioner shall adopt rules pursuant to Chapter 119. of the Revised Code to implement and enforce this section."

In line 708, after "sections" insert "303.213, 519.213, 713.081,"; delete "and"

In line 709, after "4906.10" insert ", 4906.13, 4928.01, 4928.64, 4928.641, 4928.644, 4928.645, 4928.66, 4928.6610, and 5727.75"

After line 709, insert:

"Section 3. That sections 3706.40, 3706.41, 3706.43, 3706.431, 3706.45, 3706.46, 3706.49, 3706.491, 3706.55, 3706.551, 3706.59, 3706.63, 3706.65, 4928.148, 4928.47, 4928.642, 4928.75, and 4928.80 of the Revised Code are hereby repealed.

Section 4. That Sections 4 and 5 of H.B. 6 of the 133rd General Assembly are hereby repealed."

In line 710, delete "3" and insert "5"

In line 731, delete "4" and insert "6"

In line 764, delete "5" and insert "7"

After line 773, insert:

"Section 8. Section 5727.75 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 6 and H.B. 166 of the 133rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Section 9. (A) The repeal of H.B. 6 of the 133rd General Assembly by this act has the purpose of doing the following:

(1) Reinserting any language that H.B. 6 of the 133rd General Assembly deleted from individual sections of the Revised Code;

(2) Striking through, and thereby repealing, any language that H.B. 6 of the 133rd General Assembly added to individual sections of the Revised Code;

(3) Repealing outright all Revised Code sections and uncodified sections of law that were enacted by H.B. 6 of the 133rd General Assembly, except for those sections repealed by H.B. 128 of the 134th General Assembly;

(4) Enacting, and thereby reviving, section 4928.6616 of the Revised Code as it existed prior to that section's repeal by H.B. 6 of the 133rd General Assembly;

(5) Repealing provisions of H.B. 6 of the 133rd General Assembly that were amended by H.B. 128 of the 134th General Assembly;

(6) Repealing provisions enacted in H.B. 128 of the 134th General Assembly that affect the operation of the sections of law enacted by H.B. 6 of the 133rd General Assembly.

(B) Notwithstanding divisions (A)(1) and (2) of this section, the act retains the amendment made by H.B. 6 of the 133rd General Assembly to division (A) of section 4928.641 of the Revised Code that replaces "the effective date of S.B. 310 of the 130th general assembly," with the actual effective date of S.B. 310, "September 12, 2014," which amendment is nonsubstantive."

The question being, "Shall the motion to amend be agreed to?"

Representative Seitz moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 60, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Brinkman
Callender	Carfagna	Carruthers	Creech
Cross	Cutrona	Dean	Edwards
Ferguson	Fowler Arthur	Fraizer	Ghanbari
Ginter	Grendell	Gross	Hall
Hillyer	Holmes	Hoops	John
Johnson	Jones	Jordan	Kick
Koehler	Lampton	LaRe	Lipps
Loychik	Manchester	Manning	McClain
Merrin	Miller, K.	Oelslager	Patton
Pavliga	Plummer	Powell	Ray
Richardson	Riedel	Roemer	Schmidt
Seitz	Stein	Stephens	Stewart

Stoltzfus	Swearingen	White	Wiggam
Wilkin	Young, B.	Young, T.	Cupp-60

Those who voted in the negative were: Representatives

Blackshear	Boggs	Boyd	Brent
Brown	Click	Crossman	Denson
Galonski	Hicks-Hudson	Howse	Ingram
Jarrells	Kelly	Lanese	Leland
Lepore-Hagan	Lightbody	Liston	Miller, A.
Miller, J.	Miranda	O'Brien	Robinson
Russo	Sheehy	Skindell	Smith, K.
Smith, M.	Sobecki	Sweeney	Sykes
Troy	Upchurch	Weinstein	West-36

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 52, nays 44, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Brinkman	Callender
Carfagna	Carruthers	Click	Creech
Cross	Cutrona	Dean	Edwards
Fowler Arthur	Fraizer	Ghanbari	Ginter
Hall	Hillyer	Holmes	Hoops
John	Jones	Jordan	Lampton
LaRe	Lipps	Loychik	Manchester
Manning	McClain	Merrin	Miller, K.
Oelslager	Patton	Pavliga	Plummer
Powell	Ray	Richardson	Riedel
Roemer	Seitz	Stein	Stephens
Stoltzfus	Swearingen	White	Wiggam
Wilkin	Young, B.	Young, T.	Cupp-52

Those who voted in the negative were: Representatives

Bird	Blackshear	Boggs	Boyd
Brent	Brown	Crossman	Denson
Ferguson	Galonski	Grendell	Gross
Hicks-Hudson	Howse	Ingram	Jarrells
Johnson	Kelly	Kick	Koehler
Lanese	Leland	Lepore-Hagan	Lightbody
Liston	Miller, A.	Miller, J.	Miranda
O'Brien	Robinson	Russo	Schmidt
Sheehy	Skindell	Smith, K.	Smith, M.
Sobecki	Stewart	Sweeney	Sykes
Troy	Upchurch	Weinstein	West-44

The bill passed.

Representative Hoops moved to amend the title as follows:

Add the names: "Carruthers, Click, Creech, Cross, Hoops, Riedel, Seitz, Swearingen."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 95-Representatives Manchester, Lightbody.

Cosponsors: Representatives Cross, Bird, Koehler, Russo, Brent, Riedel, Lanese, LaRe, Lipps, Kick, Troy, Miller, J., Weinstein, Galonski, Carfagna, Loychik, Stoltzfus, Fowler Arthur, Stephens, Ingram, Stein, Miller, A., Creech, Baldridge, Jones, O'Brien.

To amend section 5747.98 and to enact sections 901.61 and 5747.72 of the Revised Code to temporarily allow income tax credits for beginning farmers who participate in a financial management program and for businesses that sell or rent agricultural land, livestock, facilities, or equipment to beginning farmers, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 96, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldridge	Bird	Blackshear
Boggs	Boyd	Brent	Brown
Callender	Carfagna	Carruthers	Click
Crawley	Creech	Cross	Crossman
Cutrona	Dean	Denson	Edwards
Ferguson	Fowler Arthur	Fraizer	Galonski
Ghanbari	Ginter	Grendell	Gross
Hall	Hicks-Hudson	Hillyer	Holmes
Hoops	Howse	Ingram	Jarrells
John	Johnson	Jones	Jordan
Kelly	Kick	Koehler	Lampton
Lanese	LaRe	Leland	Lepore-Hagan
Lightbody	Lipps	Liston	Loychik
Manchester	Manning	McClain	Merrin
Miller, A.	Miller, J.	Miller, K.	Miranda
O'Brien	Oelslager	Patton	Pavliga
Plummer	Powell	Ray	Richardson
Riedel	Robinson	Roemer	Russo
Schmidt	Seitz	Sheehy	Skindell
Smith, K.	Smith, M.	Sobecki	Stein
Stephens	Stewart	Stoltzfus	Swearingen
Sweeney	Sykes	Troy	Upchurch
Weinstein	West	White	Wiggam
Wilkin	Young, B.	Young, T.	Cupp-96

Representative Brinkman voted in the negative-1.

The bill passed.

Representative Manchester moved to amend the title as follows:

Add the names: "Blackshear, Boggs, Boyd, Click, Crawley, Crossman, Denson, Ghanbari, Ginter, Hall, Hicks-Hudson, Hillyer, Hoops, Jarrells, John, Johnson, Lampton, Leland, Lepore-Hagan, Liston, McClain, Miller, K., Oelslager, Pavliga, Plummer, Robinson, Roemer, Schmidt, Sobecki, Stewart,

Sweeney, Upchurch, West, White, Wiggam, Young, B., Young, T., Speaker Cupp."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Am. H. B. No. 29 - Representatives Wiggam, Miller, A.

Cosponsors: Representatives Lipps, Seitz, Lampton, Ghanbari, Young, T., Weinstein, Crawley, Fowler Arthur, Gross, Sheehy, Abrams, Bird, Boyd, Brown, Carruthers, Crossman, Galonski, Householder, Lanese, Leland, Lepore-Hagan, Lightbody, Liston, Miller, J., O'Brien, Patton, Plummer, Ray, Robinson, Russo, Smith, K., Smith, M., Sobecki, Troy, Speaker Cupp
Senators Johnson, Fedor, Antani, Antonio, Blessing, Brenner, Cirino, Craig, Gavarone, Hackett, Hoagland, Huffman, S., Lang, Manning, McColley, Reineke, Romanchuk, Rulli, Schuring, Sykes, Thomas, Williams, Wilson, Yuko

To amend sections 109.32, 109.572, 317.24, 317.241, 718.031, 718.08, 2915.01, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.093, 2915.095, 2915.10, 2915.101, 2915.12, 2915.13, 3123.89, 3123.90, 3770.071, 3770.073, 3772.01, 3772.02, 3772.03, 3772.062, 3772.07, 5703.21, 5747.02, 5747.062, 5747.063, 5747.08, 5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 5753.05, 5753.06, 5753.061, 5753.07, 5753.08, and 5753.10 and to enact sections 2915.14, 2915.15, 3376.01, 3376.02, 3376.03, 3376.04, 3376.05, 3376.06, 3376.07, 3376.08, 3772.37, 3775.01, 3775.02, 3775.03, 3775.04, 3775.041, 3775.05, 3775.051, 3775.06, 3775.07, 3775.08, 3775.09, 3775.10, 3775.101, 3775.11, 3775.12, 3775.13, 3775.14, 3775.15, 3775.16, 3775.17, 3775.99, 5753.021, and 5753.031 of the Revised Code to allow a person who was discharged from the United States Public Health Service or the National Oceanic and Atmospheric Administration to obtain an Ohio veterans identification card, to allow intercollegiate athletes to earn compensation from their name, image, or likeness, to legalize and regulate sports gaming in this state, to levy a tax on businesses that provide sports gaming, and to make other changes to the Gambling Law.

With the following additional amendments, in which the concurrence of the House is requested.

In line 1 of the title, after "sections" insert "109.32, 109.572,"; delete

"and" and insert ","; after "317.241" insert ", 718.031, 718.08, 2915.01, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.093, 2915.095, 2915.10, 2915.101, 2915.12, 2915.13, 3123.89, 3123.90, 3770.071, 3770.073, 3772.01, 3772.02, 3772.03, 3772.062, 3772.07, 5703.21, 5747.02, 5747.062, 5747.063, 5747.08, 5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 5753.05, 5753.06, 5753.061, 5753.07, 5753.08, and 5753.10 and to enact sections 2915.14, 2915.15, 3772.37, 3775.01, 3775.02, 3775.03, 3775.04, 3775.041, 3775.05, 3775.051, 3775.06, 3775.07, 3775.08, 3775.09, 3775.10, 3775.101, 3775.11, 3775.12, 3775.13, 3775.14, 3775.15, 3775.16, 3775.17, 3775.99, 5753.021, and 5753.031"

In line 1 of the title, after "317.241" insert "and to enact sections 3376.01, 3376.02, 3376.03, 3376.04, 3376.05, 3376.06, 3376.07, and 3376.08"

In line 5 of the title, after "card" insert "and to allow intercollegiate athletes to earn compensation from their name, image, or likeness"

In line 5 of the title, after "card" insert ", to legalize and regulate sports gaming in this state, to levy a tax on businesses that provide sports gaming, and to make other changes to the Gambling Law"

In line 6, after "sections" insert "109.32, 109.572,"; after "317.24" insert ", 317.241, 718.031, 718.08, 2915.01, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.093, 2915.095, 2915.10, 2915.101, 2915.12, 2915.13, 3123.89, 3123.90, 3770.071, 3770.073, 3772.01, 3772.02, 3772.03, 3772.062, 3772.07, 5703.21, 5747.02, 5747.062, 5747.063, 5747.08, 5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 5753.05, 5753.06, 5753.061, 5753.07, 5753.08,"; delete "317.241" and insert "5753.10 be amended and sections 2915.14, 2915.15, 3772.37, 3775.01, 3775.02, 3775.03, 3775.04, 3775.041, 3775.05, 3775.051, 3775.06, 3775.07, 3775.08, 3775.09, 3775.10, 3775.101, 3775.11, 3775.12, 3775.13, 3775.14, 3775.15, 3775.16, 3775.17, 3775.99, 5753.021, and 5753.031"

In line 6, after "317.241" insert "be amended and sections 3376.01, 3376.02, 3376.03, 3376.04, 3376.05, 3376.06, 3376.07, and 3376.08"

In line 7, delete "amended" and insert "enacted"

In line 7, delete "amended" and insert "enacted"

After line 7, insert:

"Sec. 109.32. (A) All annual filing fees obtained by the attorney general pursuant to section 109.31 of the Revised Code, all receipts obtained from the sale of the charitable foundations directory, all registration fees received by the attorney general, bond forfeitures, awards of costs and attorney's fees, and civil penalties assessed under Chapter 1716. of the Revised Code, all license fees received by the attorney general under section 2915.08, 2915.081, or 2915.082 of the Revised Code, all fees received by the

attorney general under section 2915.15 of the Revised Code, and all filing fees received by the attorney general under divisions (F) and (G) of section 2915.02 of the Revised Code, shall be paid into the state treasury to the credit of the charitable law fund. The

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

(2) All annual license fees that are received by the attorney general under section 2915.08, 2915.081, or 2915.082 of the Revised Code, and all filing fees received by the attorney general under divisions (F) and (G) of section 2915.02 of the Revised Code, that are credited to the fund shall be used by the attorney general, or any law enforcement agency in cooperation with the attorney general, for the purposes specified in division (H) of section 2915.10 of the Revised Code and to administer and enforce Chapter 2915. of the Revised Code. The

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

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

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 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 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, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 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, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of 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)(1)(a) of this section;

(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, 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, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

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

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

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

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

(4) On receipt of a request pursuant to section 2151.86 or 2151.904 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 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 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, 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, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of 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)(4)(a) of this section.

(5) Upon receipt of a request pursuant to section 5104.013 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 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 has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35,

2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 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, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

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

(6) Upon receipt of a request pursuant to section 5153.111 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 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, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 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, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of 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)(6)(a) of this section.

(7) On receipt of a request for a criminal records check from an

individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a 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 in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, or 4763.05 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 a license, permit, or certification from the department of commerce or a division in the department. 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 criminal offense in this state, any other state, or the United States.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 928.03, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under 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 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 has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

(10) On receipt of a request pursuant to section 124.74, 718.131, 1121.23, 1315.141, 1733.47, 1761.26, or 5123.169 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 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 criminal offense under any existing or former law of this state, any other state, or the United States.

(11) On receipt of a request for a criminal records check from an appointing or licensing authority under section 3772.07 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a 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 or no contest to any offense under any existing or former law of this state, any other state, or the United States that makes the person ineligible for appointment or retention under section 3772.07 of the Revised Code or that is a disqualifying offense as defined in that section 3772.07 of the Revised Code or substantially equivalent to such an a disqualifying offense, as applicable.

(12) On receipt of a request pursuant to section 2151.33 or 2151.412 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 for whom a criminal records check is required under that section. 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)(12)(a) of this section.

(13) On receipt of a request pursuant to section 3796.12 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a 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 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 the following:

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

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

(14) On receipt of a request required by section 3796.13 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a 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 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 the following:

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

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

(15) On receipt of a request pursuant to section 4768.06 of the Revised Code, a completed form prescribed under 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 in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or in any other state.

(16) On receipt of a request pursuant to division (B) of section 4764.07 or division (A) of section 4735.143 of the Revised Code, a completed form prescribed under 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 in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in any state or the United States.

(17) On receipt of a request for a criminal records check under section 147.022 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a 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 or no contest to any criminal offense under any existing or former law of this state, any other state, or the United States.

(18) Upon receipt of a request pursuant to division (F) of section 2915.081 or division (E) of section 2915.082 of the Revised Code, a completed form prescribed under 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 in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty or no contest to any offense that is a violation of Chapter 2915. of the Revised Code or to any offense under any existing or former law of this state, any other state, or the United States that is substantially equivalent to such an offense.

(19) On receipt of a request pursuant to section 3775.03 of the Revised Code, a completed form prescribed under 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 in the manner described in division (B) of this section and shall request information from the federal bureau of investigation to determine whether any information exists indicating that the person who is the subject of the request has been convicted of any offense under any existing or former law of this state, any other state, or the United States that is a disqualifying offense as defined in section 3772.07 of the Revised Code.

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

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86 or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for

information from the federal bureau of investigation, the superintendent shall not conduct the review prescribed by division (B)(1) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) As used in this section:

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and

investigation in accordance with division (B) of this section.

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

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

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

After line 223, insert:

"Sec. 718.031. As used in this section, "sports gaming facility" and "type B sports gaming proprietor" have the same meanings as in section 3775.01 of the Revised Code.

(A) A municipal corporation shall require ~~a casino facility or a casino operator, as defined in Section 6(C)(9) of Article XV, Ohio Constitution, and section 3772.01 of the Revised Code, respectively, or a lottery sales agent conducting video lottery terminals on behalf of the state~~ the following persons to withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in this section:

(1) A casino facility or a casino operator, as defined in Section 6(C)(9) of Article XV, Ohio Constitution, and section 3772.01 of the Revised Code, respectively;

(2) A lottery sales agent conducting video lottery terminals on behalf of the state;

(3) A type B sports gaming proprietor offering sports gaming at a sports gaming facility.

(B) If a person's winnings at a casino facility or sports gaming facility are an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, ~~the a casino operator or sports gaming proprietor~~ shall deduct and withhold municipal income tax from the person's winnings at the rate of the tax imposed by the municipal corporation in which the casino facility or sports gaming facility is located.

(C) Amounts deducted and withheld by a casino operator or sports gaming proprietor are held in trust for the benefit of the municipal corporation to which the tax is owed.

(1) On or before the tenth day of each month, the casino operator or

sports gaming proprietor shall file a return electronically with the tax administrator of the municipal corporation, providing the name, address, and social security number of the person from whose winnings amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the winnings from which each such amount was withheld, the type of casino gaming or sports gaming that resulted in such winnings, and any other information required by the tax administrator. With this return, the casino operator or sports gaming proprietor shall remit electronically to the municipal corporation all amounts deducted and withheld during the preceding month.

(2) Annually, on or before the thirty-first day of January, a casino operator or sports gaming proprietor shall file an annual return electronically with the tax administrator of the municipal corporation in which the casino facility or sports gaming facility is located, indicating the total amount deducted and withheld during the preceding calendar year. The casino operator or sports gaming proprietor shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the name, address, or social security number of a person or the amount deducted and withheld with respect to that person was omitted on a monthly return for that reporting period, that information shall be indicated on the annual return.

(3) Annually, on or before the thirty-first day of January, a casino operator or sports gaming proprietor shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount of municipal income tax deducted from the person's winnings during the preceding year. The casino operator or sports gaming proprietor shall provide to the tax administrator a copy of each information return issued under this division. The administrator may require that such copies be transmitted electronically.

(4) A casino operator or sports gaming proprietor that fails to file a return and remit the amounts deducted and withheld shall be personally liable for the amount withheld and not remitted. Such personal liability extends to any penalty and interest imposed for the late filing of a return or the late payment of tax deducted and withheld.

(5) If a casino operator or sports gaming proprietor sells the casino facility or sports gaming facility, or otherwise quits the casino or sports gaming business, the amounts deducted and withheld along with any penalties and interest thereon are immediately due and payable. The successor shall withhold an amount of the purchase money that is sufficient to cover the amounts deducted and withheld along with any penalties and interest thereon until the predecessor casino operator or sports gaming proprietor produces either of the following:

(a) A receipt from the tax administrator showing that the amounts deducted and withheld and penalties and interest thereon have been paid;

(b) A certificate from the tax administrator indicating that no amounts are due.

If the successor fails to withhold purchase money, the successor is personally liable for the payment of the amounts deducted and withheld and penalties and interest thereon.

(6) The failure of a casino operator or sports gaming proprietor to deduct and withhold the required amount from a person's winnings does not relieve that person from liability for the municipal income tax with respect to those winnings.

(D) If a person's prize award from a video lottery terminal is an amount for which reporting to the internal revenue service is required by section 6041 of the Internal Revenue Code, as amended, the video lottery sales agent shall deduct and withhold municipal income tax from the person's prize award at the rate of the tax imposed by the municipal corporation in which the video lottery terminal facility is located.

(E) Amounts deducted and withheld by a video lottery sales agent are held in trust for the benefit of the municipal corporation to which the tax is owed.

(1) The video lottery sales agent shall issue to a person from whose prize award an amount has been deducted and withheld a receipt for the amount deducted and withheld, and shall obtain from the person receiving a prize award the person's name, address, and social security number in order to facilitate the preparation of returns required by this section.

(2) On or before the tenth day of each month, the video lottery sales agent shall file a return electronically with the tax administrator of the municipal corporation providing the names, addresses, and social security numbers of the persons from whose prize awards amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the prize award from which each such amount was withheld, and any other information required by the tax administrator. With the return, the video lottery sales agent shall remit electronically to the tax administrator all amounts deducted and withheld during the preceding month.

(3) A video lottery sales agent shall maintain a record of all receipts issued under division (E) of this section and shall make those records available to the tax administrator upon request. Such records shall be maintained in accordance with section 5747.17 of the Revised Code and any rules adopted pursuant thereto.

(4) Annually, on or before the thirty-first day of January, each video

lottery terminal sales agent shall file an annual return electronically with the tax administrator of the municipal corporation in which the facility is located indicating the total amount deducted and withheld during the preceding calendar year. The video lottery sales agent shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the name, address, or social security number of a person or the amount deducted and withheld with respect to that person was omitted on a monthly return for that reporting period, that information shall be indicated on the annual return.

(5) Annually, on or before the thirty-first day of January, a video lottery sales agent shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount of municipal income tax deducted and withheld from the person's prize award by the video lottery sales agent during the preceding year. A video lottery sales agent shall provide to the tax administrator of the municipal corporation a copy of each information return issued under this division. The tax administrator may require that such copies be transmitted electronically.

(6) A video lottery sales agent who fails to file a return and remit the amounts deducted and withheld is personally liable for the amount deducted and withheld and not remitted. Such personal liability extends to any penalty and interest imposed for the late filing of a return or the late payment of tax deducted and withheld.

(F) If a video lottery sales agent ceases to operate video lottery terminals, the amounts deducted and withheld along with any penalties and interest thereon are immediately due and payable. The successor of the video lottery sales agent that purchases the video lottery terminals from the agent shall withhold an amount from the purchase money that is sufficient to cover the amounts deducted and withheld and any penalties and interest thereon until the predecessor video lottery sales agent operator produces either of the following:

(1) A receipt from the tax administrator showing that the amounts deducted and withheld and penalties and interest thereon have been paid;

(2) A certificate from the tax administrator indicating that no amounts are due.

If the successor fails to withhold purchase money, the successor is personally liable for the payment of the amounts deducted and withheld and penalties and interest thereon.

(G) The failure of a video lottery sales agent to deduct and withhold the required amount from a person's prize award does not relieve that person from liability for the municipal income tax with respect to that prize award.

(H) If a casino operator, sports gaming proprietor, or lottery sales agent files a return late, fails to file a return, remits amounts deducted and withheld late, or fails to remit amounts deducted and withheld as required under this section, the tax administrator of a municipal corporation may impose the following applicable penalty:

(1) For the late remittance of, or failure to remit, tax deducted and withheld under this section, a penalty equal to fifty per cent of the tax deducted and withheld;

(2) For the failure to file, or the late filing of, a monthly or annual return, a penalty of five hundred dollars for each return not filed or filed late. Interest shall accrue on past due amounts deducted and withheld at the rate prescribed in section 5703.47 of the Revised Code.

(I) Amounts deducted and withheld on behalf of a municipal corporation shall be allowed as a credit against payment of the tax imposed by the municipal corporation and shall be treated as taxes paid for purposes of section 718.08 of the Revised Code. This division applies only to the person for whom the amount is deducted and withheld.

(J) The tax administrator shall prescribe the forms of the receipts and returns required under this section.

Sec. 718.08. (A) As used in this section:

(1) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's tax liability for a municipal corporation's income tax for the current taxable year.

(2) "Tax liability" means the total taxes due to a municipal corporation for the taxable year, after allowing any credit to which the taxpayer is entitled, and after applying any estimated tax payment, withholding payment, or credit from another taxable year.

(B)(1) Except as provided in division (F) of this section, every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the tax administrator, if the amount payable as estimated taxes is at least two hundred dollars. For the purposes of this section:

(a) Taxes withheld from qualifying wages shall be considered as paid to the municipal corporation for which the taxes were withheld in equal amounts on each payment date unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts withheld shall be considered as paid on the dates on which the amounts were actually withheld.

(b) An overpayment of tax applied as a credit to a subsequent taxable year is deemed to be paid on the date of the postmark stamped on the cover in which the payment is mailed or, if the payment is made by electronic

funds transfer, the date the payment is submitted. As used in this division, "date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(c) Taxes withheld by a casino operator ~~or by a video lottery sales agent, or type B sports gaming proprietor~~ under section 718.031 of the Revised Code are deemed to be paid to the municipal corporation for which the taxes were withheld on the date the taxes are withheld from the taxpayer's winnings.

(2) Except as provided in division (F) of this section, taxpayers filing joint returns shall file joint declarations of estimated taxes. A taxpayer may amend a declaration under rules prescribed by the tax administrator. Except as provided in division (F) of this section, a taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the tax administrator.

(3) The declaration of estimated taxes shall be filed on or before the date prescribed for the filing of municipal income tax returns under division (G) of section 718.05 of the Revised Code or on or before the fifteenth day of the fourth month after the taxpayer becomes subject to tax for the first time.

(4) Taxpayers reporting on a fiscal year basis shall file a declaration on or before the fifteenth day of the fourth month after the beginning of each fiscal year or period.

(5) The original declaration or any subsequent amendment may be increased or decreased on or before any subsequent quarterly payment day as provided in this section.

(C)(1) The required portion of the tax liability for the taxable year that shall be paid through estimated taxes made payable to the municipal corporation or tax administrator, including the application of tax refunds to estimated taxes and withholding on or before the applicable payment date, shall be as follows:

(a) On or before the fifteenth day of the fourth month after the beginning of the taxable year, twenty-two and one-half per cent of the tax liability for the taxable year;

(b) On or before the fifteenth day of the sixth month after the beginning of the taxable year, forty-five per cent of the tax liability for the taxable year;

(c) On or before the fifteenth day of the ninth month after the beginning of the taxable year, sixty-seven and one-half per cent of the tax liability for the taxable year;

(d) For an individual, on or before the fifteenth day of the first month of the following taxable year, ninety per cent of the tax liability for the taxable year. For a person other than an individual, on or before the fifteenth

day of the twelfth month of the taxable year, ninety per cent of the tax liability for the taxable year.

(2) When an amended declaration has been filed, the unpaid balance shown due on the amended declaration shall be paid in equal installments on or before the remaining payment dates.

(3) On or before the fifteenth day of the fourth month of the year following that for which the declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due shall be paid with the return in accordance with section 718.05 of the Revised Code.

(D)(1) In the case of any underpayment of any portion of a tax liability, penalty and interest may be imposed pursuant to section 718.27 of the Revised Code upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:

(a) For the first payment of estimated taxes each year, twenty-two and one-half per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(b) For the second payment of estimated taxes each year, forty-five per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(c) For the third payment of estimated taxes each year, sixty-seven and one-half per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(d) For the fourth payment of estimated taxes each year, ninety per cent of the tax liability, less the amount of taxes paid by the date prescribed for that payment.

(2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.

(E) An underpayment of any portion of tax liability determined under division (D) of this section shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:

(1) The amount of estimated taxes that were paid equals at least ninety per cent of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(2) The amount of estimated taxes that were paid equals at least one hundred per cent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a return with the municipal corporation under section 718.05 of the Revised Code for that year.

(3) The taxpayer is an individual who resides in the municipal corporation but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year.

(F)(1) A tax administrator may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.

(2) A municipal corporation may, by ordinance or rule, waive the requirement for filing a declaration of estimated taxes for all taxpayers.

Sec. 2915.01. As used in this chapter:

(A) "Bookmaking" means the business of receiving or paying off bets.

(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.

(C) "Scheme of chance" means a slot machine unless authorized under Chapter 3772. of the Revised Code, lottery unless authorized under Chapter 3770. of the Revised Code, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:

(1) Less than fifty per cent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;

(2) Less than fifty per cent of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;

(3) More than fifty per cent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in section 3772.01 of the Revised Code;

(4) The good or service sold by a scheme of chance operator in

exchange for a game entry cannot be used or redeemed in the manner advertised;

(5) A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;

(6) A participant may use the electronic device to purchase additional game entries;

(7) A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;

(8) A scheme of chance operator pays out in prize money more than twenty per cent of the gross revenue received at one location; or

(9) A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.

As used in this division, "electronic device" means a mechanical, video, digital, or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased, or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries, or contractors. "Electronic device" does not include an electronic instant bingo system.

(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.

(F) "Gambling device" means any of the following:

(1) A book, totalizer, or other equipment for recording bets;

(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;

(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;

(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;

(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.

(G) "Gambling offense" means any of the following:

(1) A violation of ~~section 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code~~ this chapter;

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any ~~section listed in division (G)(1) provision of this section chapter~~ or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;

(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.

(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:

(1) An organization that is, ~~and has received from the internal revenue service a determination letter that currently is in effect stating that the organization is,~~ exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(c)(4), (c)(7), (c)(8), (c)(10), or (c)(19) of the Internal Revenue Code.

To qualify as a "charitable organization," an organization shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code.

(I) "Religious organization" means any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.

(J) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this division, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a

national dues-paying membership of at least five thousand persons.

(K) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in section 146.01 of the Revised Code, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.

(L) "Fraternal organization" means any society, order, state headquarters, or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge, or chapter of a national or state organization, that exists exclusively for the common business or sodality of its members.

(M) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization, as defined in section 4765.01 of the Revised Code.

(N) "Charitable bingo game" means any bingo game described in division (O)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to section 2915.08 of the Revised Code and the proceeds of which are used for a charitable purpose.

(O) "Bingo" means either of the following:

(1) A game with all of the following characteristics:

(a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.

(b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.

(d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (O)(1)(c) of this section, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by the participant.

(2) Instant bingo, ~~punch boards~~ electronic instant bingo, and raffles.

(P) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.

(Q) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, selling or redeeming electronic instant bingo tickets, credits, or vouchers, accessing an electronic instant bingo system other than as a participant, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. "Bingo game operator" does not include a person who is installing, maintaining, updating, or repairing an electronic instant bingo system.

(R) "Participant" means any person who plays bingo.

(S) "Bingo session" means a period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in division (O)(1) of this section, instant bingo, and ~~seal cards~~ electronic instant bingo;

(2) A period for the conduct of instant bingo and ~~seal cards~~ electronic instant bingo for not more than two hours before and not more than two hours after the period described in division (S)(1) of this section.

(T) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.

(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.

(3) The food and beverages are sold at customary and reasonable

prices.

(U) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.

(V) "Charitable purpose" means that the net profit of bingo, other than instant bingo or electronic instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of section 5739.02 of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

(3) A fraternal organization that has been in continuous existence in this state for fifteen years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;

(4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in division (K) of this section.

(W) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.

(X) "Youth athletic organization" means any organization, not

organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(Y) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:

(1) It owns, operates, and maintains playing fields that satisfy both of the following:

(a) The playing fields are used ~~at least one hundred days per year~~ for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(b) The playing fields are not used for any profit-making activity at any time during the year.

(2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (Y)(1) of this section.

(Z) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; electronic instant bingo systems; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.

(AA) "Instant bingo" means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may ~~also~~ include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower. "Instant bingo" also includes a punch board game. In all "instant bingo" the prize amount and structure shall be predetermined. "Instant bingo" does not include electronic instant bingo or any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

(BB) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.

(CC) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. "Raffle" does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:

- (1) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and
- (2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.

(DD) "Punch board" means a form of instant bingo that uses a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle ~~when used in conjunction with instant bingo~~. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

(EE) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

(FF) "Net profit" means gross profit minus expenses.

(GG) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:

- (1) The purchase or lease of bingo supplies;
- (2) The annual license fee required under section 2915.08 of the Revised Code;
- (3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;
- (4) Audits and accounting services;
- (5) Safes;
- (6) Cash registers;
- (7) Hiring security personnel;
- (8) Advertising bingo;

(9) Renting premises in which to conduct a bingo session;

(10) Tables and chairs;

(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;

(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;

(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division ~~(B)(1)-(F)(1)~~ of section 2915.08 of the Revised Code.

(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.

(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:

(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;

(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.

(LL) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.

(MM) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (O)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (O)(2) of this section.

(NN) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:

(1) It is activated upon the insertion of United States currency.

(2) It performs no gaming functions.

(3) It does not contain a video display monitor or generate noise.

(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.

(5) It does not simulate or display rolling or spinning reels.

(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.

(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.

(8) It is not part of an electronic network and is not interactive.

(OO)(1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:

(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.

(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.

(c) It identifies a winning bingo pattern.

(2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.

(PP) "~~Deal of instant bingo tickets~~" means a single game of instant bingo tickets, or a single game of electronic instant bingo tickets, all with the same serial number.

(QQ)(1) "Slot machine" means either of the following:

(a) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;

(b) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.

(2) "Slot machine" does not include a skill-based amusement machine ~~or an instant bingo ticket dispenser, or an electronic instant bingo system.~~

(RR) "Net profit from the proceeds of the sale of instant bingo or electronic instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of ~~instant bingo~~ supplies for the purpose of conducting instant bingo or electronic instant bingo, and, in the case of instant bingo or electronic instant bingo conducted by a veteran's, fraternal, or sporting organization, minus the payment by that

organization of real property taxes and assessments levied on a premises on which instant bingo or electronic instant bingo is conducted.

(SS) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.

(TT) "Game flare" means the board or placard, or electronic representation of a board or placard, that accompanies each deal of instant bingo or electronic instant bingo tickets and that ~~has printed on or affixed to it~~ includes the following information for the game:

- (1) The name of the game;
- (2) The manufacturer's name or distinctive logo;
- (3) The form number;
- (4) The ticket count;
- (5) The prize structure, including the number of winning ~~instant bingo~~ tickets by denomination and the respective winning symbol or number combinations for the winning ~~instant bingo~~ tickets;
- (6) The cost per play;
- (7) The serial number of the game.

(UU)(1) "Skill-based amusement machine" means a mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:

(a) The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;

(b) Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;

(c) Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and

(d) Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

A card for the purchase of gasoline is a redeemable voucher for purposes of division (UU)(1) of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.

(b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;

(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.

(d) The success of any player is or may be determined by a chance event that cannot be altered by player actions.

(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player.

(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(3) All of the following apply to any machine that is operated as described in division (UU)(1) of this section:

(a) As used in division (UU) of this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.

(b) Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition, or tournament play.

(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise

prizes that are stated prior to the start of the contest, competition, or tournament.

(4) For purposes of division (UU)(1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.

(VV) "Merchandise prize" means any item of value, but shall not include any of the following:

- (1) Cash, gift cards, or any equivalent thereof;
- (2) Plays on games of chance, state lottery tickets, or bingo, ~~or instant bingo~~;
- (3) Firearms, tobacco, or alcoholic beverages; or
- (4) A redeemable voucher that is redeemable for any of the items listed in division (VV)(1), (2), or (3) of this section.

(WW) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.

(XX) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.

(YY) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this state for a period of three years.

(ZZ) "Community action agency" has the same meaning as in section 122.66 of the Revised Code.

(AAA)(1) "Sweepstakes terminal device" means a mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:

(a) The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.

(b) The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.

(c) The device selects prizes from a predetermined finite pool of entries.

(d) The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.

(e) The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.

(f) The device utilizes software to create a game result.

(g) The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.

(h) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

(2) As used in this division and in section 2915.02 of the Revised Code:

(a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.

(b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.

(c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

(d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in division (G) of section 2915.02 of the Revised Code.

(BBB) "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under this chapter, pari-mutuel wagering as authorized by Chapter 3769. of the Revised Code, lotteries conducted by the state lottery commission as authorized by Chapter 3770. of the Revised Code, and casino gaming as authorized by Chapter 3772. of the Revised Code.

(CCC)(1) "Electronic instant bingo" means a form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket contains a combination of numbers or symbols that was designated in advance as a winning combination, and to which all of the following apply:

(a) Each deal has a predetermined, finite number of winning and losing tickets and a predetermined prize amount and deal structure, provided

that there may be multiple winning combinations in each deal and multiple winning tickets.

(b) Each electronic instant bingo ticket within a deal has a unique serial number that is not regenerated.

(c) Each electronic instant bingo ticket within a deal is sold for the same price.

(d) After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant.

(e) The reveal of numbers or symbols on the ticket may incorporate an entertainment or bonus theme, provided that the reveal does not include spinning reels that resemble a slot machine.

(f) The reveal theme, if any, does not require additional consideration or award any prize other than any predetermined prize associated with the electronic instant bingo ticket.

(2) "Electronic instant bingo" shall not include:

(a) Any game, entertainment, or bonus theme that replicates or simulates the gambling games of keno, blackjack, roulette, poker, craps, other casino-style table games, or horse racing;

(b) Any device operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more rotating reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to a rest;

(c) Any device that includes a coin tray or hopper and the ability to dispense coins, cash, tokens, or anything of value other than a credit ticket voucher.

(DDD) "Electronic instant bingo system" means a mechanical, electronic, digital, or video device that is used to play electronic instant bingo and any associated equipment or software used to conduct, manage, monitor, or document any aspect of electronic instant bingo.

Sec. 2915.08. (A)(1) Annually ~~Except as otherwise permitted under section 2915.092 of the Revised Code, annually~~ before the first day of January, a charitable organization that desires to conduct bingo, ~~instant bingo at a bingo session, or instant bingo other than at a bingo session shall make out, upon a form to be furnished by the attorney general for that purpose, an application for a license apply to the attorney general for one or more of the following types of licenses to conduct bingo, as appropriate:~~

(a) A type I license to conduct bingo as described in division (O)(1)

of section 2915.01 of the Revised Code;

(b) A type II license to conduct instant bingo, electronic instant bingo, or both at a bingo session, or;

(c) A type III license to conduct instant bingo, electronic instant bingo, or both other than at a bingo session and deliver that, in accordance with sections 2915.093 to 2915.095 or sections 2915.13 to 2915.15 of the Revised Code, as applicable.

(2) A charitable organization that is authorized under section 2915.14 of the Revised Code to conduct electronic instant bingo may be issued only one license to conduct electronic instant bingo at any one time. The organization may conduct electronic instant bingo under that license at only one location specified on the license.

(B) The application to the attorney general together with shall be accompanied by a license fee as follows:

(a) Except as otherwise provided in this division, for (1) If the charitable organization was not licensed to conduct bingo under this chapter before July 1, 2003, a fee established by the attorney general by rule adopted pursuant to section 111.15 of the Revised Code.

(2) If the charitable organization was licensed to conduct bingo under this chapter before July 1, 2003, the following applicable fee:

(a) For a type I license for the a charitable organization that wishes to conduct of bingo during twenty-six or more weeks in any calendar year, a license fee of two hundred dollars;

(b) For a type II or type III license for the a charitable organization that previously has not been licensed under this chapter to conduct of instant bingo at a bingo session or electronic instant bingo other than at a bingo session for a charitable organization that previously has not been licensed under this chapter to conduct instant bingo at a bingo session or instant bingo other than at a bingo session and that wishes to conduct bingo during twenty-six or more weeks in any calendar year, a license fee of five hundred dollars; and for any other;

(c) For a type II or type III license for a charitable organization that previously has been licensed under this chapter to conduct instant bingo or electronic instant bingo and that desires to conduct bingo during twenty-six or more weeks in any calendar year, a license fee that is based upon the gross profits received by the charitable organization from the operation of instant bingo at a bingo session or electronic instant bingo other than at a bingo session, during the one-year period ending on the thirty-first day of October of the year immediately preceding the year for which the license is sought, and that is one of the following:

(i) Five hundred dollars, if the total is fifty thousand dollars or less;

(ii) One thousand two hundred fifty dollars plus one-fourth per cent of the gross profit, if the total is more than fifty thousand dollars but less than two hundred fifty thousand one dollars;

(iii) Two thousand two hundred fifty dollars plus one-half per cent of the gross profit, if the total is more than two hundred fifty thousand dollars but less than five hundred thousand one dollars;

(iv) Three thousand five hundred dollars plus one per cent of the gross profit, if the total is more than five hundred thousand dollars but less than one million one dollars;

(v) Five thousand dollars plus one per cent of the gross profit, if the total is one million one dollars or more;

~~(e) A~~ (d) For a type I, type II, or type III license for a charitable organization that desires to conduct bingo during fewer than twenty-six weeks in any calendar year, a reduced license fee established by the attorney general by rule adopted pursuant to division (G) of this section 111.15 of the Revised Code.

~~(d) For a license to conduct bingo for a charitable organization that prior to July 1, 2003, has not been licensed under this chapter to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, a license fee established by rule by the attorney general in accordance with division (H) of this section.~~

~~(2)(C)~~ The application shall be in the form prescribed by the attorney general, shall be signed and sworn to by the applicant, and shall contain all of the following:

~~(a)(1)~~ The name and post-office address of the applicant;

~~(b)(2)~~ A statement that the applicant is a charitable organization and that it has been in continuous existence as a charitable organization in this state for two years immediately preceding the making of the application;

~~(c)(3)~~ The location at which the organization will conduct bingo, which location shall be within the county in which the principal place of business of the applicant is located, the days of the week and the times on each of those days when bingo will be conducted, whether the organization owns, leases, or subleases the premises, and a copy of the rental agreement if it leases or subleases the premises;

~~(d)(4)~~ A statement of the applicant's previous history, record, and association that is sufficient to establish that the applicant is a charitable organization, and a copy of a determination letter that is issued by the Internal Revenue Service and states that the organization is tax exempt under subsection 501(a) and described in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code;

~~(e)(5)~~ A statement as to whether the applicant has ever had any

previous application refused, whether it previously has had a license revoked or suspended, and the reason stated by the attorney general for the refusal, revocation, or suspension;

~~(f)-(6)~~ (6) A statement of the charitable purposes for which the net profit derived from bingo, ~~other than instant bingo,~~ described in division (O)(1) of section 2915.01 of the Revised Code will be used, ~~and or~~ a statement of how the net profit derived from instant bingo or electronic instant bingo will be distributed in accordance with section 2915.101 of the Revised Code, as applicable;

~~(g)-(7)~~ (7) Other necessary and reasonable information that the attorney general may require by rule adopted pursuant to section 111.15 of the Revised Code;

~~(h)-(8)~~ (8) If the applicant is a charitable trust as defined in section 109.23 of the Revised Code, a statement as to whether it has registered with the attorney general pursuant to section 109.26 of the Revised Code or filed annual reports pursuant to section 109.31 of the Revised Code, and, if it is not required to do either, the exemption in section 109.26 or 109.31 of the Revised Code that applies to it;

~~(i)-(9)~~ (9) If the applicant is a charitable organization as defined in section 1716.01 of the Revised Code, a statement as to whether it has filed with the attorney general a registration statement pursuant to section 1716.02 of the Revised Code and a financial report pursuant to section 1716.04 of the Revised Code, and, if it is not required to do both, the exemption in section 1716.03 of the Revised Code that applies to it;

~~(j)-(10)~~ (10) In the case of an applicant seeking to qualify as a youth athletic park organization, a statement issued by a board or body vested with authority under Chapter 755. of the Revised Code for the supervision and maintenance of recreation facilities in the territory in which the organization is located, certifying that the playing fields owned by the organization ~~were used for at least one hundred days during the year in which the statement is issued, and~~ were open for use to all residents of that territory, regardless of race, color, creed, religion, sex, or national origin, for athletic activities by youth athletic organizations that do not discriminate on the basis of race, color, creed, religion, sex, or national origin; and that the fields were not used for any profit-making activity at any time during the year. That type of board or body is authorized to issue the statement upon request and shall issue the statement if it finds that the applicant's playing fields were so used.

~~(3)-(D)~~ (D) The attorney general, within thirty days after receiving a timely filed application from a charitable organization that has been issued a license under this section that has not expired and has not been revoked or suspended, shall send a temporary permit to the applicant specifying the date on which the application was filed with the attorney general and stating that,

pursuant to section 119.06 of the Revised Code, the applicant may continue to conduct bingo until a new license is granted or, if the application is rejected, until fifteen days after notice of the rejection is mailed to the applicant. The temporary permit does not affect the validity of the applicant's application and does not grant any rights to the applicant except those rights specifically granted in section 119.06 of the Revised Code. The issuance of a temporary permit by the attorney general pursuant to this division does not prohibit the attorney general from rejecting the applicant's application because of acts that the applicant committed, or actions that the applicant failed to take, before or after the issuance of the temporary permit.

~~(4)(E)~~ Within thirty days after receiving an initial license application from a charitable organization to conduct bingo, ~~instant bingo at a bingo session, or instant bingo other than at a bingo session,~~ the attorney general shall conduct a preliminary review of the application and notify the applicant regarding any deficiencies. Once an application is deemed complete, or beginning on the thirtieth day after the application is filed, if the attorney general failed to notify the applicant of any deficiencies, the attorney general shall have an additional sixty days to conduct an investigation and either grant, grant with limits, restrictions, or probationary conditions, or deny the application based on findings established and communicated in accordance with divisions ~~(B)(F)~~ and ~~(E)(I)~~ of this section. As an option to granting, granting with limits, restrictions, or probationary conditions, or denying an initial license application, the attorney general may grant a temporary license and request additional time to conduct the investigation if the attorney general has cause to believe that additional time is necessary to complete the investigation and has notified the applicant in writing about the specific concerns raised during the investigation.

~~(B)(1)(F)(1)~~ The attorney general shall adopt rules to enforce sections 2915.01, 2915.02, and 2915.07 to ~~2915.13-2915.15~~ of the Revised Code to ensure that bingo ~~or instant bingo~~ is conducted in accordance with those sections and to maintain proper control over the conduct of bingo ~~or instant bingo~~. ~~The Except as otherwise provided in this section, the rules, except rules adopted pursuant to divisions (A)(2)(g) and (G) of this section,~~ shall be adopted pursuant to Chapter 119. of the Revised Code. The attorney general shall license charitable organizations to conduct bingo, ~~instant bingo at a bingo session, or instant bingo other than at a bingo session~~ in conformance with this chapter and with the licensing provisions of Chapter 119. of the Revised Code.

~~(2) The attorney general may refuse to grant a license to any~~ If any of the following applies to an organization, or revoke or suspend the license of any organization, that does any of the following or to which any of the following applies the attorney general may refuse to grant a license to the organization, may revoke or suspend the organization's license, or may place

limits, restrictions, or probationary conditions on the organization's license for a limited or indefinite period, as determined by the attorney general:

(a) ~~Fails~~ The organization fails or has failed at any time to meet any requirement of section 109.26, 109.31, or 1716.02, or sections 2915.07 to ~~2915.11~~ 2915.15 of the Revised Code, or violates or has violated any provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised Code or any rule adopted by the attorney general pursuant to this ~~section~~ chapter.

(b) ~~Makes~~ The organization makes or has made an incorrect or false statement that is material to the granting of the license in an application filed ~~pursuant to division (A) of~~ under this section;.

(c) ~~Submits~~ The organization submits or has submitted any incorrect or false information relating to an application if the information is material to the granting of the license;.

(d) ~~Maintains~~ The organization maintains or has maintained any incorrect or false information that is material to the granting of the license in the records required to be kept pursuant to ~~divisions (A) and (C) of~~ section 2915.10 of the Revised Code, if applicable;.

(e) The attorney general has good cause to believe that the organization will not conduct bingo, ~~instant bingo at a bingo session, or instant bingo other than at a bingo session~~ in accordance with sections 2915.07 to ~~2915.13~~ 2915.15 of the Revised Code or with any rule adopted by the attorney general pursuant to this ~~section~~ chapter.

(3) If the attorney general has good cause to believe that any director or officer of the organization has breached the director's or officer's fiduciary duty to, or committed theft or any other type of misconduct related to, the organization or any other charitable organization that has been issued a bingo license under this chapter, the attorney general may refuse to grant a license to the organization, may impose limits, restrictions, or probationary conditions on the license, or may revoke or suspend the organization's license for a period not to exceed five years.

(4) The attorney general may impose a civil fine on an organization licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary conditions on its license, and for failure to comply with this chapter or any rule adopted under this chapter, according to a schedule of fines that the attorney general shall adopt in accordance with Chapter 119. of the Revised Code.

(5) For the purposes of division ~~(B)~~ (F) of this section, any action of an officer, trustee, agent, representative, or bingo game operator of an organization is an action of the organization.

~~(C)~~ (G) The attorney general may grant licenses to charitable organizations that are branches, lodges, or chapters of national charitable

organizations.

~~(D)~~(H) The attorney general shall send notice of any of the following actions in writing to the prosecuting attorney and sheriff of the county in which the charitable organization will conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, as stated in its application for a license or amended license, is located and to any other law enforcement agency in that county that so requests, of all of the following:

- (1) The issuance of ~~the a~~ license under this section;
- (2) The issuance of ~~the an~~ amended license under this section;
- (3) The rejection of an application for and refusal to grant a license under this section;
- (4) The revocation of any license previously issued under this section;
- (5) The suspension of any license previously issued under this section;
- (6) The placing of any limits, restrictions, or probationary conditions placed on a license issued under this section.

~~(E)~~(I) A license issued by the attorney general under this section shall set forth the information contained on the application of the charitable organization that the attorney general determines is relevant, including, but not limited to, the location at which the organization will conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session whether the license is a type I, type II, or type III license, and the days of the week and the times on each of those days when bingo will be conducted. If the attorney general refuses to grant, places limits, restrictions, or probationary conditions on, or revokes or suspends a license, the attorney general shall notify the applicant in writing and specifically identify the reason for the refusal, revocation, limit, restriction, probationary condition, or suspension in narrative form and, if applicable, by identifying the section of the Revised Code violated. The failure of the attorney general to give the written notice of the reasons for the refusal, revocation, limit, restriction, probationary condition, or suspension or a mistake in the written notice does not affect the validity of the attorney general's refusal to grant, or the revocation or suspension of, or limit, restriction, or probationary condition on, a license. If the attorney general fails to give the written notice or if there is a mistake in the written notice, the applicant may bring an action to compel the attorney general to comply with this division or to correct the mistake, but the attorney general's order refusing to grant, or placing a limit, restriction, or probationary condition on, or revoking or suspending, a license shall not be enjoined during the pendency of the action.

~~(F)~~A-(J)(1)(a) Except as otherwise provided in division (J)(2) of this

~~section, a charitable organization that has been issued a license pursuant to division (B) of under this section but that cannot conduct bingo or instant bingo at the location, or on the day of the week or at the time, specified on the license due to circumstances that make it impractical to do so, or that desires to conduct instant bingo other than at a bingo session at additional locations not identified on the license, may apply in writing, together with an application fee of two hundred fifty dollars, to the attorney general, at least thirty days prior to a change in or addition of a location, day of the week, or time, and request an amended license. As-~~

~~(b) As applicable, the application shall describe the causes making it impractical for the organization to conduct bingo or instant bingo in conformity with its license and shall indicate the location, days of the week, and times on each of those days when it desires to conduct bingo or instant bingo and, as applicable, shall indicate the additional locations at which it desires to conduct instant bingo other than at a bingo session. Except-~~

~~(c) Except as otherwise provided in this division (J)(3) of this section, the attorney general shall issue the amended license in accordance with division (E)-(I) of this section, and the organization shall surrender its original license to the attorney general. The-~~

(2)(a) A charitable organization that has been issued a license under this section to conduct electronic instant bingo but that cannot conduct electronic instant bingo at the location, or on the day of the week or at the time, specified on the license due to circumstances that make it impractical to do so, may apply in writing, together with an application fee of two hundred fifty dollars, to the attorney general, at least thirty days prior to a change in a location, day of the week, or time, and request an amended license. A charitable organization may not apply for an amended license to conduct electronic instant bingo at any additional location.

(b) The application shall describe the causes making it impractical for the organization to conduct electronic instant bingo in conformity with its license and shall indicate the location, days of the week, and times on each of those days when it desires to conduct electronic instant bingo.

(c) Except as otherwise provided in division (J)(3) of this section, the attorney general shall issue the amended license in accordance with division (I) of this section, and the organization shall surrender its original license to the attorney general.

(3) The attorney general may refuse to grant an amended license under division (J)(1) or (2) of this section according to the terms of division (B)-(F) of this section.

(G) The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, shall establish a schedule of reduced license fees for charitable organizations that desire to conduct bingo or instant bingo during

fewer than twenty-six weeks in any calendar year.

~~(H) The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, shall establish license fees for the conduct of bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session for charitable organizations that prior to July 1, 2003, have not been licensed to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session under this chapter.~~

~~(I)(K)~~ The attorney general may enter into a written contract with any other state agency to delegate to that state agency the powers prescribed to the attorney general under Chapter 2915. of the Revised Code.

~~(J)(L)~~ The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, may adopt rules to determine the requirements for a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code to be in good standing in the state.

Sec. 2915.081. (A) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to another person, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, for use in this state without having obtained a license from the attorney general under this section.

(B)(1) The attorney general may issue a distributor license to any person that meets the requirements of this section. The application for the license shall be on a form prescribed by the attorney general and be accompanied by the annual fee prescribed by this section. The license is valid for a period of one year, and the annual fee for the license is five thousand dollars.

(2) Upon applying for or renewing a license under this section, an applicant shall file with and have approved by the attorney general a bond in which the applicant shall be the principal obligor, in the sum of fifty thousand dollars, with one or more sureties authorized to do business in this state. The applicant shall maintain the bond in effect as long as the license is valid; however, the liability of the surety under the bond shall not exceed an all-time aggregate liability of fifty thousand dollars. The bond, which may be in the form of a rider to a larger blanket liability bond, shall run to the state and to any person who may have a cause of action against the principal obligor of the bond for any liability arising out of a violation by the obligor of any provision of this chapter or any rule adopted pursuant to this chapter.

(C) The attorney general may refuse to issue a distributor license to any person to which any of the following applies, or to any person that has an officer, partner, or other person who has an ownership interest of ten per cent or more and to whom any of the following applies:

(1) The person, officer, or partner has been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.

(2) The person, officer, or partner has made an incorrect or false statement that is material to the granting of a license in an application submitted to the attorney general under this section or in a similar application submitted to a gambling licensing authority in another jurisdiction if the statement resulted in license revocation through administrative action in the other jurisdiction.

(3) The person, officer, or partner has submitted any incorrect or false information relating to the application to the attorney general under this section, if the information is material to the granting of the license.

(4) The person, officer, or partner has failed to correct any incorrect or false information that is material to the granting of the license in the records required to be maintained under division (F) of section 2915.10 of the Revised Code.

(5) The person, officer, or partner has had a license related to gambling revoked or suspended under the laws of this state, another state, or the United States.

(6) The attorney general has good cause to believe that a person, officer, or partner has committed a breach of fiduciary duty, theft, or other type of misconduct related to a charitable organization that has obtained a bingo license issued under this chapter.

(D) The attorney general shall not issue a distributor license to any person that is involved in the conduct of bingo on behalf of a charitable organization or that is a lessor of premises used for the conduct of bingo. This division does not prohibit a distributor from advising charitable organizations on the use and benefit of specific bingo supplies or prohibit a distributor from advising a customer on operational methods to improve bingo profitability.

(E)(1) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to any person, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, for use in this state except to or for the use of a charitable organization that has been issued a license under section 2915.08 of the Revised Code or to another distributor that has been issued a license under this section. No distributor shall accept payment for the sale or other provision of bingo supplies other than by check or electronic fund transfer.

(2) No distributor may donate, give, loan, lease, or otherwise provide any bingo supplies or equipment, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, to or for the use of a

charitable organization for use in a bingo session conditioned on or in consideration for an exclusive right to provide bingo supplies to the charitable organization. A distributor may provide a licensed charitable organization with free samples of the distributor's products to be used as prizes or to be used for the purpose of sampling.

(3) No distributor shall purchase bingo supplies for use in this state from any person except from a manufacturer issued a license under section 2915.082 of the Revised Code or from another distributor issued a license under this section. Subject to division (D) of section 2915.082 of the Revised Code, no distributor shall pay for purchased bingo supplies other than by check or electronic fund transfer.

(4) No distributor shall participate in the conduct of bingo on behalf of a charitable organization or have any direct or indirect ownership interest in a premises used for the conduct of bingo.

(5) No distributor shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for providing bingo supplies to any person in this state.

(F)(1) No distributor shall knowingly sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this state, or install, maintain, update, or repair an electronic instant bingo system, without first obtaining an electronic instant bingo distributor endorsement to the person's distributor license issued under this section. An applicant for a distributor license under this section may apply simultaneously for an electronic instant bingo distributor endorsement to that license. Any individual who installs, maintains, updates, or repairs an electronic instant bingo system also shall hold an appropriate and valid occupational license issued by the Ohio casino control commission under Chapter 3772. of the Revised Code.

(2) An applicant for an electronic instant bingo distributor endorsement shall submit the application on a form prescribed by the attorney general and shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The applicant shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and shall fill out the form the superintendent prescribes pursuant to division (C)(1) of that section. Upon receiving an application for an electronic instant bingo distributor endorsement, the attorney general shall request the superintendent, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A)(18) of that section. The applicant shall pay any fee required under

division (C)(3) of that section.

(3) The attorney general shall not issue an electronic instant bingo distributor endorsement to an applicant unless the attorney general has received the results of the criminal records check described in division (F)(2) of this section. The attorney general shall not issue an electronic instant bingo distributor endorsement to an applicant if the applicant, any officer or partner of the applicant, or any person who has an ownership interest of ten per cent or more in the applicant has violated any provision of this chapter or any rule adopted by the attorney general under this chapter or has violated any existing or former law or rule of this state, any other state, or the United States that is substantially equivalent to any provision of this chapter or any rule adopted by the attorney general under this chapter.

(4) An electronic instant bingo distributor endorsement issued under this section shall be valid for the period of the underlying distributor license.

(G) The attorney general may suspend, place limits, restrictions, or probationary conditions on, or revoke a distributor license or an electronic instant bingo distributor endorsement, for a limited or indefinite period of time at the attorney general's discretion, for any of the following reasons:

(1) Any reason for which the attorney general may refuse to issue a distributor the license specified in divisions (C)(2) to (5) of this section or endorsement;

(2) The distributor holding the license or endorsement violates any provision of this chapter or any rule adopted by the attorney general under this chapter;

(3) The distributor or any officer, partner, or other person who has an ownership interest of ten per cent or more in the distributor is convicted of either of the following:

(a) A felony under the laws of this state, another state, or the United States;

(b) Any gambling offense.

~~(G)~~(H) The attorney general may adopt rules for the application, acceptance, denial, suspension, revocation, limitation, restriction, or condition of a distributor license or endorsement, and to enforce any other provisions of this section, in accordance with Chapter 119. of the Revised Code.

(I) The attorney general may impose a civil fine on a distributor licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary conditions on its license, or for failure to comply with this chapter or any rule adopted under this chapter, according to a schedule of fines that the attorney general shall adopt in accordance with Chapter 119. of the Revised Code.

(J) Whoever violates division (A)-~~or~~, (E), or (F) of this section is guilty of illegally operating as a distributor. Except as otherwise provided in this division, illegally operating as a distributor is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A)-~~or~~, (E), or (F) of this section, illegally operating as a distributor is a felony of the fifth degree.

Sec. 2915.082. (A) No manufacturer shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies for use in this state without having obtained a license from the attorney general under this section.

(B)(1) The attorney general may issue a manufacturer license to any person that meets the requirements of this section. The application for the license shall be on a form prescribed by the attorney general and be accompanied by the annual fee prescribed by this section. The license is valid for a period of one year, and the annual fee for the license is five thousand dollars.

(2) Upon applying for or renewing a license under this section, an applicant shall file with and have approved by the attorney general a bond in which the applicant shall be the principal obligor, in the sum of fifty thousand dollars, with one or more sureties authorized to do business in this state. The applicant shall maintain the bond in effect as long as the license is valid; however, the liability of the surety under the bond shall not exceed an all-time aggregate liability of fifty thousand dollars. The bond, which may be in the form of a rider to a larger blanket liability bond, shall run to the state and to any person who may have a cause of action against the principal obligor of the bond for any liability arising out of a violation by the obligor of any provision of this chapter or any rule adopted pursuant to this chapter.

(C) The attorney general may refuse to issue a manufacturer license to any person to which any of the following applies, or to any person that has an officer, partner, or other person who has an ownership interest of ten per cent or more and to whom any of the following applies:

(1) The person, officer, or partner has been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.

(2) The person, officer, or partner has made an incorrect or false statement that is material to the granting of a license in an application submitted to the attorney general under this section or in a similar application submitted to a gambling licensing authority in another jurisdiction if the statement resulted in license revocation through administrative action in the other jurisdiction.

(3) The person, officer, or partner has submitted any incorrect or false information relating to the application to the attorney general under this

section, if the information is material to the granting of the license.

(4) The person, officer, or partner has failed to correct any incorrect or false information that is material to the granting of the license in the records required to be maintained under division (G) of section 2915.10 of the Revised Code.

(5) The person, officer, or partner has had a license related to gambling revoked or suspended under the laws of this state, another state, or the United States.

(6) The attorney general has good cause to believe that the person, officer, or partner has committed a breach of fiduciary duty, theft, or other type of misconduct, related to a charitable organization that has obtained a bingo license under this chapter.

(D)(1) No manufacturer shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to any person for use in this state except to a distributor that has been issued a license under section 2915.081 of the Revised Code. No manufacturer shall accept payment for the sale of bingo supplies other than by check or electronic fund transfer.

(2) No manufacturer shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for providing bingo supplies to any person in this state.

(E)(1) No manufacturer shall knowingly sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this state, or submit an electronic instant bingo system for testing and approval under section 2915.15 of the Revised Code, without first obtaining an electronic instant bingo manufacturer endorsement to the person's manufacturer license issued under this section. An applicant for a manufacturer license under this section may apply simultaneously for an electronic instant bingo manufacturer endorsement to that license.

(2) A manufacturer licensed under this section may only sell, offer to sell, or otherwise provide or offer to provide electronic instant bingo systems that contain proprietary software owned by or licensed to the manufacturer. If the proprietary software is licensed to the manufacturer, the manufacturer shall provide a copy of the license along with the application for an endorsement under this section.

(3) An applicant for an electronic instant bingo manufacturer endorsement shall submit the application on a form prescribed by the attorney general and shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The applicant shall provide the fingerprints using a method the superintendent prescribes.

pursuant to division (C)(2) of section 109.572 of the Revised Code and shall fill out the form the superintendent prescribes pursuant to division (C)(1) of that section. Upon receiving an application for an electronic instant bingo manufacturer endorsement, the attorney general shall request the superintendent, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A)(18) of that section. The applicant shall pay any fee required under division (C)(3) of that section.

(4) The attorney general shall not issue an electronic instant bingo manufacturer endorsement to an applicant unless the attorney general has received the results of the criminal records check described in division (E)(3) of this section. The attorney general shall not issue an electronic instant bingo manufacturer endorsement to an applicant if the applicant, any officer or partner of the applicant, or any person who has an ownership interest of ten per cent or more in the applicant has violated any existing or former law or rule of this state, any other state, or the United States that is substantially equivalent to any provision of this chapter or any rule adopted by the attorney general under this chapter.

(E)(1) The attorney general may suspend, place limits, restrictions, or probationary conditions on, or revoke a manufacturer license or an electronic instant bingo manufacturer endorsement for a limited or indefinite period of time for any of the following reasons:

(a) Any reason for which the attorney general may refuse to issue a manufacturer the license specified in divisions (C)(2) to (5) of this section or endorsement;

(b) The manufacturer holding the license or endorsement violates any provision of this chapter or any rule adopted by the attorney general under this chapter;

(c) The manufacturer or any officer, partner, or other person who has an ownership interest of ten per cent or more in the manufacturer is convicted of either of the following:

(i) A felony under the laws of this state, another state, or the United States;

(ii) Any gambling offense.

(2) The attorney general may perform an onsite inspection of a manufacturer of bingo supplies that is selling, offering to sell, or otherwise providing or offering to provide bingo supplies or that is applying for a license to sell, offer to sell, or otherwise provide or offer to provide bingo supplies in this state.

(3)(a) The attorney general shall establish by rule an application and renewal fee for an electronic instant bingo manufacturer endorsement in an

amount sufficient to cover the costs the attorney general incurs in processing applications for electronic instant bingo manufacturer endorsements and investigating an applicant's suitability.

(b) If the cost of processing a particular application and investigating the applicant's suitability exceeds the amount of the application and renewal fee, the attorney general may charge the applicant an additional fee as necessary to cover that cost.

(c) The attorney general shall not issue an electronic instant bingo manufacturer endorsement unless the attorney general has received payment in full from the applicant for all fees to be charged under this section.

(F)-(G) The attorney general may adopt rules for the application, acceptance, denial, suspension, revocation, limitation, restriction, or condition of a manufacturer license or endorsement described in this section, and to enforce any other provisions of this section, in accordance with Chapter 119. of the Revised Code.

(H) The attorney general may impose a civil fine on a manufacturer licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary conditions on its license, and for failure to comply with this chapter or any rule adopted under this chapter, according to a schedule of fines that the attorney general shall adopt in accordance with Chapter 119. of the Revised Code.

(I) Whoever violates division (A)-~~or~~ (D), or (E) of this section is guilty of illegally operating as a manufacturer. Except as otherwise provided in this division, illegally operating as a manufacturer is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A)-~~or~~ (D), or (E) of this section, illegally operating as a manufacturer is a felony of the fifth degree.

Sec. 2915.09. (A) No charitable organization that conducts bingo shall fail to do any of the following:

(1) Own all of the equipment used to conduct bingo or lease that equipment from a charitable organization that is licensed to conduct bingo, or from the landlord of a premises where bingo is conducted, for a rental rate that is not more than is customary and reasonable for that equipment;

(2) Except as otherwise provided in division (A)(3) of this section, use all of the gross receipts from bingo for paying prizes, for reimbursement of expenses for or for renting premises in which to conduct a bingo session, for reimbursement of expenses for or for purchasing or leasing bingo supplies used in conducting bingo, for reimbursement of expenses for or for hiring security personnel, for reimbursement of expenses for or for advertising bingo, or for reimbursement of other expenses or for other expenses listed in division (GG) of section 2915.01 of the Revised Code,

provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring, advertising, or expense. If the building in which bingo is conducted is owned by the charitable organization conducting bingo and the bingo conducted includes a form of bingo described in division (O)(1) of section 2915.01 of the Revised Code, the charitable organization may deduct from the total amount of the gross receipts from each session a sum equal to the lesser of six hundred dollars or forty-five per cent of the gross receipts from the bingo described in that division as consideration for the use of the premises.

(3) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, ~~other than instant bingo,~~ described in division (O)(1) of section 2915.01 of the Revised Code for a charitable purpose listed in its license application and described in division (V) of section 2915.01 of the Revised Code, or distribute all of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo as stated in its license application and in accordance with section 2915.101 of the Revised Code, as applicable.

(B) No charitable organization that conducts a bingo game described in division (O)(1) of section 2915.01 of the Revised Code shall fail to do any of the following:

(1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of six hundred dollars per bingo session or forty-five per cent of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of four hundred fifty dollars per bingo session, or on premises that are owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of four hundred fifty dollars per bingo session. No charitable organization is required to pay property taxes or assessments on premises that the charitable organization leases from another person to conduct bingo sessions. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service. A charitable organization shall not lease or sublease premises that it owns or leases to more than three other charitable organizations per calendar week for conducting bingo sessions on the premises. A person that is not a charitable organization shall not lease premises that it owns, leases, or otherwise is

empowered to lease to more than three charitable organizations per calendar week for conducting bingo sessions on the premises. In no case shall more than nine bingo sessions be conducted on any premises in any calendar week.

(2) Display its license conspicuously at the premises where the bingo session is conducted;

(3) Conduct the bingo session in accordance with the definition of bingo set forth in division (O)(1) of section 2915.01 of the Revised Code.

(C) No charitable organization that conducts a bingo game described in division (O)(1) of section 2915.01 of the Revised Code shall do any of the following:

(1) Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell, or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;

(2) Pay consulting fees to any person for any services performed in relation to the bingo session;

(3) Pay concession fees to any person who provides refreshments to the participants in the bingo session;

(4) Except as otherwise provided in division (C)(4) of this section, conduct more than three bingo sessions in any seven-day period. A volunteer firefighter's organization or a volunteer rescue service organization that conducts not more than five bingo sessions in a calendar year may conduct more than three bingo sessions in a seven-day period after notifying the attorney general when it will conduct the sessions.

(5) Pay out more than six thousand dollars in prizes for bingo games described in division (O)(1) of section 2915.01 of the Revised Code during any bingo session that is conducted by the charitable organization. "Prizes" does not include awards from the conduct of instant bingo.

(6) Conduct a bingo session at any time during the eight-hour period between two a.m. and ten a.m., at any time during, or within ten hours of, a bingo game conducted for amusement only pursuant to section 2915.12 of the Revised Code, at any premises not specified on its license, or on any day of the week or during any time period not specified on its license. Division (A)(6) of this section does not prohibit the sale of instant bingo tickets

beginning at nine a.m. for a bingo session that begins at ten a.m. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time, specified on its license, or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license, the charitable organization may apply in writing to the attorney general for an amended license pursuant to division ~~(F)~~ (J) of section 2915.08 of the Revised Code. A charitable organization may apply twice in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license. If the amended license is granted, the organization may conduct bingo sessions at the premises, on the day of the week, and at the time specified on its amended license.

(7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen to work as a bingo game operator;

(8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;

(9) Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies, or any other type of service;

(10) Purchase or lease bingo supplies from any person except a distributor issued a license under section 2915.081 of the Revised Code;

(11)(a) Use or permit the use of electronic bingo aids except under the following circumstances:

(i) For any single participant, not more than ninety bingo faces can be played using an electronic bingo aid or aids.

(ii) The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets.

(iii) The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.

(iv) An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.

(v) An electronic bingo aid cannot be used to participate in bingo that

is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.

(vi) An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.

(b) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the attorney general to verify the number of bingo cards or sheets played during each bingo session.

(12) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play bingo described in division (O)(1) of section 2915.01 of the Revised Code.

(D)(1) Except as otherwise provided in division (D)(3) of this section, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo during a bingo session.

(2) Except as otherwise provided in division (D)(3) of this section, no charitable organization shall provide to a bingo game operator any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting instant bingo, electronic instant bingo, or both other than at a bingo session at the site of instant bingo, electronic instant bingo, or both other than at a bingo session.

(3) Nothing in division (D) of this section prohibits an employee of a fraternal organization, veteran's organization, or sporting organization from selling instant bingo tickets or cards to the organization's members or invited guests, as long as no portion of the employee's compensation is paid from any receipts of bingo.

(E) Notwithstanding division (B)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that

no more than four sessions are conducted per calendar week, that the lessor organization or person has notified the attorney general in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, that the initial lease entered into with each organization that will conduct the sessions was filed with the attorney general prior to December 6, 1977, and that each organization that will conduct the sessions was issued a license to conduct bingo games by the attorney general prior to December 6, 1977.

(F) This section does not prohibit a bingo licensed charitable organization or a game operator from giving any person an instant bingo ticket as a prize.

(G) Whoever violates division (A)(2) of this section is guilty of illegally conducting a bingo game, a felony of the fourth degree. Except as otherwise provided in this division, whoever violates division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) to ~~(12)~~(11), or (D) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) to (11), or (D) of this section, a violation of division (A)(1) or (3), (B)(1), (2), or (3), (C), or (D) of this section is a misdemeanor of the first degree. Whoever violates division (C)(12) of this section is guilty of a misdemeanor of the first degree, or if the offender previously has been convicted of a violation of division (C)(12) of this section, a felony of the fourth degree.

Sec. 2915.091. (A) No charitable organization that conducts instant bingo shall do any of the following:

(1) Fail to comply with the requirements of divisions (A)(1), (2), and (3) of section 2915.09 of the Revised Code;

(2) Conduct instant bingo unless either of the following applies:

(a) That organization is, and has received from the internal revenue service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(3) of the Internal Revenue Code, is a charitable organization as defined in section 2915.01 of the Revised Code, is in good standing in the state pursuant to section 2915.08 of the Revised Code, and is in compliance with Chapter 1716. of the Revised Code;

(b) That organization is, and has received from the internal revenue service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code, and conducts instant bingo under section 2915.13 of the Revised Code.

(3) Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to section 2915.08 of the Revised Code;

(4) Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;

(5) Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under section 2915.081 of the Revised Code;

(6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;

(7) Sell an instant bingo ticket or card to a person under eighteen years of age;

(8) Fail to keep unsold instant bingo tickets or cards for less than three years;

(9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;

(10) Pay fees to any person for any services performed in relation to an instant bingo game, except as provided in division (D) of section 2915.093 of the Revised Code;

(11) Pay fees to any person who provides refreshments to the participants in an instant bingo game;

(12)(a) Allow instant bingo tickets or cards to be sold to bingo game operators at a premises at which the organization sells instant bingo tickets or cards or to be sold to employees of a D permit holder who are working at a premises at which instant bingo tickets or cards are sold;

(b) Division (A)(12)(a) of this section does not prohibit a licensed charitable organization or a bingo game operator from giving any person an instant bingo ticket as a prize in place of a cash prize won by a participant in an instant bingo game. In no case shall an instant bingo ticket or card be sold or provided for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare.

(13) Fail to display its bingo license, and the serial numbers of the deal of instant bingo tickets or cards to be sold, conspicuously at each premises at which it sells instant bingo tickets or cards;

(14) Possess a deal of instant bingo tickets or cards that was not purchased from a distributor licensed under section 2915.081 of the Revised Code as reflected on an invoice issued by the distributor that contains all of the information required by division (E) of section 2915.10 of the Revised Code;

(15) Fail, once it opens a deal of instant bingo tickets or cards, to continue to sell the tickets or cards in that deal until the tickets or cards with the top two highest tiers of prizes in that deal are sold;

(16) Possess bingo supplies that were not obtained in accordance with ~~sections 2915.01 to 2915.13 of the Revised Code~~ this chapter.

(B) A charitable organization may purchase, lease, or use instant bingo ticket dispensers to sell instant bingo tickets or cards.

(C) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that govern the conduct of instant bingo by charitable organizations. Before those rules are adopted, the attorney general shall reference the recommended standards for opacity, randomization, minimum information, winner protection, color, and cutting for instant bingo tickets or cards, seal cards, and punch boards established by the North American gaming regulators association.

(D) Whoever violates division (A) of this section or a rule adopted under division (C) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) of this section or of such a rule, illegal instant bingo conduct is a felony of the fifth degree.

Sec. 2915.093. (A) As used in this section, "retail income from all commercial activity" means the income that a person receives from the provision of goods, services, or activities that are provided at the location where instant bingo other than at a bingo session is conducted, including the sale of instant bingo tickets. A religious organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, at not more than one location at which it conducts its charitable programs, may include donations from its members and guests as retail income.

(B)(1) If a charitable instant bingo organization conducts instant bingo other than at a bingo session under a type III license issued under section 2915.08 of the Revised Code, the charitable instant bingo organization shall enter into a written contract with the owner or lessor of the

location at which the instant bingo is conducted to allow the owner or lessor to assist in the conduct of instant bingo other than at a bingo session, identify each location where the instant bingo other than at a bingo session is being conducted, and identify the owner or lessor of each location.

(2) A charitable instant bingo organization that conducts instant bingo other than at a bingo session under a type III license issued under section 2915.08 of the Revised Code is not required to enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted, provided that the owner or lessor is not assisting in the conduct of the instant bingo other than at a bingo session and provided that the conduct of the instant bingo other than at a bingo session at that location is not more than five days per calendar year and not more than ten hours per day.

(C) Except as provided in division (F) of this section, no charitable instant bingo organization shall conduct instant bingo other than at a bingo session at a location where the primary source of retail income from all commercial activity at that location is the sale of instant bingo tickets.

(D) The owner or lessor of a location that enters into a contract pursuant to division (B) of this section shall pay the full gross profit to the charitable instant bingo organization, in return for the deal of instant bingo tickets. The owner or lessor may retain the money that the owner or lessor receives for selling the instant bingo tickets, provided, however, that after the deal has been sold, the owner or lessor shall pay to the charitable instant bingo organization the value of any unredeemed instant bingo prizes remaining in the deal of instant bingo tickets.

The charitable instant bingo organization shall pay six per cent of the total gross receipts of any deal of instant bingo tickets for the purpose of reimbursing the owner or lessor for expenses described in this division.

As used in this division, "expenses" means those items provided for in divisions (GG)(4), (5), (6), (7), (8), (12), and (13) of section 2915.01 of the Revised Code and that percentage of the owner's or lessor's rent for the location where instant bingo is conducted. "Expenses," in the aggregate, shall not exceed six per cent of the total gross receipts of any deal of instant bingo tickets.

As used in this division, "full gross profit" means the amount by which the total receipts of all instant bingo tickets, if the deal had been sold in full, exceeds the amount that would be paid out if all prizes were redeemed.

(E) A charitable instant bingo organization shall provide the attorney general with all of the following information:

(1) That the charitable instant bingo organization has terminated a contract entered into pursuant to division (B) of this section with an owner or

lessor of a location;

(2) That the charitable instant bingo organization has entered into a written contract pursuant to division (B) of this section with a new owner or lessor of a location;

(3) That the charitable instant bingo organization is aware of conduct by the owner or lessor of a location at which instant bingo is conducted that is in violation of this chapter.

(F) Division (C) of this section does not apply to a volunteer firefighter's organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that conducts instant bingo other than at a bingo session on the premises where the organization conducts firefighter training, that has conducted instant bingo continuously for at least five years prior to July 1, 2003, and that, during each of those five years, had gross receipts of at least one million five hundred thousand dollars.

Sec. 2915.095. The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, shall establish a standard contract to be used by a charitable instant bingo organization, a veteran's organization, a fraternal organization, or a sporting organization for the conduct of instant bingo, electronic instant bingo, or both other than at a bingo session under a type III license issued under section 2915.08 of the Revised Code. The terms of the contract shall be limited to the provisions in Chapter 2915. of the Revised Code.

Sec. 2915.10. (A) No charitable organization that conducts bingo or a game of chance pursuant to division (D) of section 2915.02 of the Revised Code shall fail to maintain the following records for at least three years from the date on which the bingo or game of chance is conducted:

(1) An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, each electronic instant bingo game by serial number, each raffle, each punch board game, and each game of chance, and an itemized list of the gross profits of each game of instant bingo by serial number and each electronic instant bingo game by serial number;

(2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo ~~or instant bingo~~, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;

(3) A list of all prizes awarded during each bingo session, each raffle, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number and each electronic instant bingo game by serial number, and the name, address, and social security number of all persons who are winners of prizes of six hundred dollars or more in value;

(4) An itemized list of the recipients of the net profit of the bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in division (V) of section 2915.01, division (D) of section 2915.02, or section 2915.101 of the Revised Code, a list of each purpose and an itemized list of each expenditure for each purpose;

(5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;

(6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from gross receipts under division (T) of section 2915.01 of the Revised Code;

(7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo or electronic instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.

(B) A charitable organization shall keep the records that it is required to maintain pursuant to division (A) of this section at its principal place of business in this state or at its headquarters in this state and shall notify the attorney general of the location at which those records are kept.

(C) The gross profit from each bingo session or game described in division (O)(1) or (2) of section 2915.01 of the Revised Code shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks or electronic fund transfers drawn on the bingo session or game account.

(D) Each charitable organization shall conduct and record an inventory of all of its bingo supplies as of the first day of November of each year.

(E) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that establish standards of accounting, record keeping, and reporting to ensure that gross receipts from bingo or games of chance are properly accounted for.

(F) A distributor shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing to another person bingo supplies for use in this state. The record shall include all of the following for each instance:

(1) The name of the manufacturer from which the distributor purchased the bingo supplies and the date of the purchase;

(2) The name and address of the charitable organization or other distributor to which the bingo supplies were sold or otherwise provided;

(3) A description that clearly identifies the bingo supplies;

(4) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each charitable organization.

(G) A manufacturer shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing bingo supplies for use in this state. The record shall include all of the following for each instance:

(1) The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;

(2) A description that clearly identifies the bingo supplies, including serial numbers;

(3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.

(H) The attorney general or any law enforcement agency may do all of the following:

(1) Investigate any charitable organization, distributor, or manufacturer or any officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer;

(2) Examine the accounts and records of the charitable organization, distributor, or manufacturer or of any officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer;

(3) Conduct inspections, audits, and observations of bingo or games of chance;

(4) Conduct inspections of the premises where bingo or games of chance are conducted or where bingo supplies are manufactured or distributed;

(5) Take any other necessary and reasonable action to determine if a violation of any provision of ~~sections 2915.01 to 2915.13 of the Revised Code~~ this chapter has occurred and to determine whether section 2915.11 of the Revised Code has been complied with.

If any law enforcement agency has reasonable grounds to believe that a charitable organization, distributor, or manufacturer or an officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer has violated any provision of this chapter, the law enforcement

agency may proceed by action in the proper court to enforce this chapter, provided that the law enforcement agency shall give written notice to the attorney general when commencing an action as described in this division.

(I) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization, distributor, or manufacturer that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance ~~or, of~~ premises where bingo or a game of chance is conducted, or of premises where bingo supplies are manufactured or distributed, or refuse to comply with any reasonable request of, or obstruct, impede, or interfere with any other reasonable action undertaken by, the attorney general or a law enforcement agency pursuant to division (H) of this section.

(J) Whoever violates division (A) or (I) of this section is guilty of a misdemeanor of the first degree.

Sec. 2915.101. Except as otherwise provided by law, a charitable organization that conducts instant bingo or electronic instant bingo shall distribute the net profit from the proceeds of the sale of instant bingo or electronic instant bingo as follows:

(A)(1) If a veteran's organization, a fraternal organization, or a sporting organization conducted the instant bingo or electronic instant bingo, the organization shall distribute the net profit from the proceeds of the sale of instant bingo or electronic instant bingo, as follows:

(a) For the first two hundred fifty thousand dollars, or a greater amount prescribed by the attorney general to adjust for changes in prices as measured by the consumer price index as defined in section 325.18 of the Revised Code and other factors affecting the organization's expenses, as defined in division (GG) of section 2915.01 of the Revised Code, or less of net profit from the proceeds of the sale of instant bingo or electronic instant bingo generated in a calendar year:

(i) At least twenty-five per cent shall be distributed to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(ii) Not more than seventy-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, as defined in division (GG) of section 2915.01 of the Revised Code, in conducting the instant bingo or electronic instant bingo game.

(b) For any net profit from the proceeds of the sale of instant bingo or electronic instant bingo of more than two hundred fifty thousand dollars or an adjusted amount generated in a calendar year:

(i) A minimum of fifty per cent shall be distributed to an organization

described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(ii) Five per cent may be distributed for the organization's own charitable purposes or to a community action agency.

(iii) Forty-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, as defined in division (GG) of section 2915.01 of the Revised Code, in conducting the instant bingo or electronic instant bingo game.

(2) If a veteran's organization, a fraternal organization, or a sporting organization does not distribute the full percentages specified in divisions (A) (1)(a) and (b) of this section for the purposes specified in those divisions, the organization shall distribute the balance of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo not distributed or retained for those purposes to an organization described in division (V)(1) of section 2915.01 of the Revised Code.

(B) If a charitable organization other than a veteran's organization, a fraternal organization, or a sporting organization conducted the instant bingo or electronic instant bingo, the organization shall distribute one hundred per cent of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(C) Nothing in this section prohibits a veteran's organization, a fraternal organization, or a sporting organization from distributing any net profit from the proceeds of the sale of instant bingo or electronic instant bingo to an organization that is described in subsection 501(c)(3) of the Internal Revenue Code when the organization that is described in subsection 501(c)(3) of the Internal Revenue Code is one that makes donations to other organizations and permits donors to advise or direct such donations so long as the donations comply with requirements established in or pursuant to subsection 501(c)(3) of the Internal Revenue Code.

Sec. 2915.12. (A) Sections 2915.07 to ~~2915.11~~ 2915.15 of the Revised Code do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for the purpose of amusement only if it complies with all of the requirements specified in either division (A)(1) or (2) of this section:

(1)(a) The participants do not pay any money or any other thing of value including an admission fee, or any fee for bingo cards or sheets, objects to cover the spaces, or other devices used in playing bingo, for the privilege of participating in the bingo game, or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game.

(b) All prizes awarded during the course of the game are nonmonetary, and in the form of merchandise, goods, or entitlements to goods or services only, and the total value of all prizes awarded during the game is less than one hundred dollars.

(c) No commission, wages, salary, reward, tip, donation, gratuity, or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.

(d) The bingo game is not conducted either during or within ten hours of any of the following:

(i) A bingo session during which a charitable bingo game is conducted pursuant to sections 2915.07 to ~~2915.11~~ 2915.15 of the Revised Code;

(ii) A scheme or game of chance, or bingo described in division (O)(2) of section 2915.01 of the Revised Code.

(e) The number of players participating in the bingo game does not exceed fifty.

(2)(a) The participants do not pay money or any other thing of value as an admission fee, and no participant is charged more than twenty-five cents to purchase a bingo card or sheet, objects to cover the spaces, or other devices used in playing bingo.

(b) The total amount of money paid by all of the participants for bingo cards or sheets, objects to cover the spaces, or other devices used in playing bingo does not exceed one hundred dollars.

(c) All of the money paid for bingo cards or sheets, objects to cover spaces, or other devices used in playing bingo is used only to pay winners monetary and nonmonetary prizes and to provide refreshments.

(d) The total value of all prizes awarded during the game does not exceed one hundred dollars.

(e) No commission, wages, salary, reward, tip, donation, gratuity, or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.

(f) The bingo game is not conducted during or within ten hours of either of the following:

(i) A bingo session during which a charitable bingo game is conducted pursuant to sections 2915.07 to ~~2915.11~~ 2915.15 of the Revised Code;

(ii) A scheme of chance or game of chance, or bingo described in division (O)(2) of section 2915.01 of the Revised Code.

(g) All of the participants reside at the premises where the bingo game is conducted.

(h) The bingo games are conducted on different days of the week and not more than twice in a calendar week.

(B) The attorney general or any local law enforcement agency may investigate the conduct of a bingo game that purportedly is conducted for purposes of amusement only if there is reason to believe that the purported amusement bingo game does not comply with the requirements of either division (A)(1) or (2) of this section. A local law enforcement agency may proceed by action in the proper court to enforce this section if the local law enforcement agency gives written notice to the attorney general when commencing the action.

Sec. 2915.13. (A) A-Subject to the requirements of sections 2915.14 and 2915.15 of the Revised Code concerning electronic instant bingo, a veteran's organization, a fraternal organization, or a sporting organization authorized to conduct a bingo session pursuant to sections 2915.01 to 2915.12 of the Revised Code this chapter may conduct instant bingo, electronic instant bingo, or both other than at a bingo session under a type III license issued under section 2915.08 of the Revised Code if all of the following apply:

(1) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo or electronic instant bingo to twelve hours during any day, provided that the sale does not begin earlier than ten a.m. and ends not later than two a.m.

(2) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo or electronic instant bingo to its own premises and to its own members and invited guests.

(3) The veteran's organization, fraternal organization, or sporting organization is raising money for an organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state and executes a written contract with that organization as required in division (B) of this section.

(B) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to division (A) of this section is raising money for another organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is

exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state, the veteran's organization, fraternal organization, or sporting organization shall execute a written contract with the organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state in order to conduct instant bingo or electronic instant bingo. That contract shall include a statement of the percentage of the net proceeds that the veteran's, fraternal, or sporting organization will be distributing to the organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state.

(C)(1) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to division (A) of this section has been issued a liquor permit under Chapter 4303. of the Revised Code, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization, fraternal organization, or sporting organization violates a provision of this chapter.

(2) No veteran's organization, fraternal organization, or sporting organization that enters into a written contract pursuant to division (B) of this section shall violate any provision of this chapter or permit, aid, or abet any other person in violating any provision of this chapter.

(D) A veteran's organization, fraternal organization, or sporting organization shall give all required proceeds earned from the conduct of instant bingo or electronic instant bingo to the organization with which the veteran's organization, fraternal organization, or sporting organization has entered into a written contract.

(E) Whoever violates this section is guilty of illegal instant bingo or electronic instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo or electronic instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo or electronic instant bingo conduct is a felony of the fifth degree.

Sec. 2915.14. (A) No charitable organization shall conduct electronic instant bingo unless all of the following are true:

(1) The organization is a veteran's organization described in division

(J) of section 2915.01 of the Revised Code, or is a fraternal organization described in division (L) of section 2915.01 of the Revised Code, and the organization qualified as a veteran's organization or fraternal organization, as applicable, on or before June 30, 2021.

(2) The organization is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code or is, and has received from the internal revenue service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), and is described in subsection 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code.

(3) The organization has not conducted a raffle in violation of division (B) of section 2915.092 of the Revised Code using an electronic raffle machine, as described in Ohio *Veterans and Fraternal Charitable Coalition v. DeWine*, Case No. 13-CV-13610 (C.P. Franklin Co. February 23, 2018), at any time on or after January 1, 2022.

(B) No charitable organization that conducts electronic instant bingo shall do any of the following:

(1) Possess an electronic instant bingo system that was not obtained in accordance with this chapter or with any rule adopted under this chapter;

(2) Conduct electronic instant bingo on any day, at any time, or on any premises not specified on the organization's type II or type III license issued under section 2915.08 of the Revised Code;

(3) Hold more than one valid license to conduct electronic instant bingo at any one time;

(4) Fail to display both of the following conspicuously at each premises in which the charitable organization conducts electronic instant bingo:

(a) The charitable organization's bingo license;

(b) The serial number of each deal of electronic instant bingo tickets being sold.

(5) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play electronic instant bingo;

(6) Sell or provide to any person an electronic instant bingo ticket for a price different from the price displayed on the game flare for that deal, except that the charitable organization may give a participant who wins an electronic instant bingo game an electronic instant bingo ticket as a prize in place of a cash prize;

(7) Fail, once an electronic instant bingo deal is begun, to continue to sell tickets in that deal until all prizes have been awarded;

(8) Permit any person whom the organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of electronic instant bingo;

(9) Permit a bingo game operator to play electronic instant bingo;

(10)(a) Except as otherwise provided in division (B)(10)(b) of this section, pay compensation to a bingo game operator for conducting electronic instant bingo.

(b) Division (B)(10)(a) of this section does not prohibit an employee of a veteran's organization or fraternal organization from redeeming electronic instant bingo tickets or vouchers for the organization's members or invited guests, so long as no portion of the employee's compensation is paid from any bingo receipts.

(11) Pay consulting fees to any person in relation to electronic instant bingo.

(C) No person shall sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this state unless the electronic instant bingo system has been approved under section 2915.15 of the Revised Code.

(D) The attorney general shall adopt rules under Chapter 119. of the Revised Code to ensure the integrity of electronic instant bingo, including, but not limited to, rules governing all of the following:

(1) The requirements to receive a license or endorsement to conduct electronic instant bingo;

(2) The location and number of electronic instant bingo systems in use, which shall not exceed seven under any one license;

(3) The times when electronic instant bingo may be offered;

(4) Signage requirements in facilities where electronic instant bingo is offered;

(5) Electronic instant bingo device and system specifications, including reveal features and game themes;

(6) Procedures and standards for the review, approval, inspection, and monitoring of electronic instant bingo systems, as described in section 2915.15 of the Revised Code;

(7) Procedures and standards for the review and approval of any changes to technology, systems, or games licensed or permitted under this chapter;

(8) The fees to be charged under section 2915.15 of the Revised Code for review, approval, inspection, and monitoring of electronic instant bingo systems;

(9) Procedures allowing the attorney general to seek a summary suspension of a license to conduct electronic instant bingo or a license to manufacture or distribute electronic instant bingo systems if the attorney general has good cause to believe that the person or organization licensed to conduct electronic instant bingo, or the person or organization licensed to manufacture or distribute electronic instant bingo systems, or any of the organization's employees, officers, directors, agents, representatives, or partners, has violated this chapter or a rule adopted under this chapter.

(E) Whoever knowingly violates division (A), (B), or (C) of this section or a rule adopted under division (D) of this section is guilty of illegal electronic instant bingo conduct. Illegal electronic instant bingo conduct is a misdemeanor of the first degree, except that if the offender previously has been convicted of a violation of division (A) or (B) of this section or of a rule adopted under division (D) of this section, illegal instant bingo conduct is a felony of the fifth degree.

Sec. 2915.15. (A)(1) Before selling, offering to sell, or otherwise providing or offering to provide an electronic instant bingo system to any person for use in this state, a manufacturer shall submit the electronic instant bingo system to an independent testing laboratory that is licensed by the state lottery commission under section 3770.02 of the Revised Code, or that is certified under section 3772.31 of the Revised Code, for testing and evaluation to determine whether the electronic instant bingo system meets the requirements of this chapter and of rules adopted under this chapter. The manufacturer shall pay all costs of that testing and evaluation.

(2) If the independent testing laboratory certifies that the electronic instant bingo system meets the requirements of this chapter and of rules adopted under this chapter, the manufacturer may submit the electronic instant bingo system, along with a copy of the laboratory's certification and a fee established by the attorney general by rule under Chapter 119. of the Revised Code, to the attorney general for review and approval. The manufacturer also shall submit a fee established by the attorney general by rule under Chapter 119. of the Revised Code, which the attorney general shall use to pay the cost of reviewing and approving electronic instant bingo systems under division (A) of this section.

(3) The attorney general shall approve the system for use in this state if the attorney general determines that the electronic instant bingo system meets the requirements of this chapter and of the rules adopted under this chapter. The attorney general shall consult the Ohio casino control commission for assistance in determining whether an electronic instant bingo system is prohibited for use under this chapter on the ground that it is a slot machine.

(4) An electronic instant bingo system shall be verified and sealed by

the attorney general before the electronic instant bingo system is placed into service.

(5) Before an electronic instant bingo system is removed from service, the attorney general's seal shall be removed by the attorney general's designee. If the seal is removed after an electronic instant bingo system is sealed by the attorney general but before the electronic instant bingo system is placed into service, or if the seal is removed before an electronic instant bingo system is removed from service, or if the seal is removed by someone other than the attorney general's designee, the electronic instant bingo system shall be returned to an independent testing laboratory described in division (A)(1) of this section.

(B) Any electronic instant bingo system approved for use in this state shall have a central server located in Ohio which is accessible to the attorney general and shall include an internal report management system that records information concerning the operation of the system and that meets the requirements adopted by the attorney general by rule under Chapter 119. of the Revised Code. The internal report management system shall permit the attorney general or another person designated by the attorney general to access the internal report management system, monitor the electronic instant bingo system, and remotely deactivate the electronic instant bingo system or any aspect of the system.

(C) The attorney general may inspect any electronic instant bingo system in use in this state at any time to ensure that the system is in compliance with this chapter and with the rules adopted under this chapter. If the attorney general determines that any person or any electronic instant bingo system is in violation of any provision of this chapter or of any rule adopted under this chapter, the attorney general may order that the violation immediately cease and may deactivate the electronic instant bingo system or any aspect of it.

(D) The attorney general may establish by rule adopted under Chapter 119. of the Revised Code an annual fee to be paid by distributors licensed under section 2915.081 of the Revised Code who have electronic instant bingo distributor endorsements to their licenses in order to pay the cost of monitoring the systems under division (B) of this section and the cost of inspecting systems under division (C) of this section.

Sec. 3123.89. (A) Subject to section 3770.071 of the Revised Code, a child support enforcement agency that determines that an obligor who is the recipient of a lottery prize award is subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code shall issue an intercept directive to the director of the state lottery commission. A copy of this intercept directive shall be sent to the obligor.

(B) The intercept directive shall require the director or the director's designee to transmit an amount or amounts from the proceeds of the specified lottery prize award to the office of child support in the department of job and family services. The intercept directive also shall contain all of the following information:

(1) The name, address, and social security number or taxpayer identification number of the obligor;

(2) A statement that the obligor has been determined to be in default under a support order;

(3) The amount of the arrearage owed by the obligor as determined by the agency.

(C) After receipt of an intercept directive and in accordance with section 3770.071 of the Revised Code, the director or the director's designee shall deduct the amount or amounts specified from the proceeds of the lottery prize award referred to in the directive and transmit the amounts to the office of child support.

(D) The department of job and family services shall develop and implement a real time data match program with the state lottery commission and its lottery sales agents and lottery agents to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code in accordance with section 3770.071 of the Revised Code.

(E) Upon the data match program's implementation, the department, in consultation with the commission, shall promulgate rules to facilitate withholding, in appropriate circumstances, by the commission or its lottery sales agents or lottery agents of an amount sufficient to satisfy any past due support owed by an obligor from a lottery prize award owed to the obligor up to the amount of the award. The rules shall describe an expedited method for withholding, and the time frame for transmission of the amount withheld to the department.

(F) As used in this section, "lottery prize award" has the same meaning as in section 3770.10 of the Revised Code.

Sec. 3123.90. (A) As used in this section, ~~"casino";~~

(1) "Casino facility," "casino operator," and "management company" have the meanings defined in section 3772.01 of the Revised Code.

(2) "Sports gaming proprietor" has the meaning defined in section 3775.01 of the Revised Code.

(B) The department of job and family services shall develop and implement a real time data match program with each casino facility's casino operator or management company and with each sports gaming proprietor to identify obligors who are subject to a final and enforceable determination of

default made under sections 3123.01 to 3123.07 of the Revised Code.

(C) Upon the data match program's implementation, if a ~~person's~~ person receives a payout of winnings at a casino facility are or from sports gaming in an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the casino operator ~~or~~ management company, or sports gaming proprietor shall refer to the data match program to determine if the person entitled to the winnings is in default under a support order. If the data match program indicates that the person is in default, the casino operator ~~or~~ management company, or sports gaming proprietor shall withhold from the person's winnings an amount sufficient to satisfy any past due support owed by the obligor identified in the data match up to the amount of the winnings.

(D) Not later than ~~seven~~ fourteen days after withholding the amount, the casino operator ~~or~~ management company, or sports gaming proprietor shall transmit any amount withheld to the department as payment on the support obligation.

(E) The department, in consultation with the Ohio casino control commission, may adopt rules under Chapter 119. of the Revised Code as are necessary for implementation of this section.

Sec. 3770.071. (A)(1) If the amount of the prize money or the cost of goods or services awarded as a lottery prize award ~~meets or exceeds the reportable winnings amounts set by 26 U.S.C. 6041, or a subsequent analogous section of the Internal Revenue Code~~ is six hundred dollars or more, the director of the state lottery commission or the director's designee shall require the person entitled to the prize award to affirm in writing, under oath, or by electronic means, whether or not the person is in default under a support order. The director or the director's designee also may take any additional appropriate steps to determine if the person entitled to the prize award is in default under a support order. If the person entitled to the prize award affirms that the person is in default under a support order, or if the director or the director's designee determines that the person is in default under a support order, the director or the director's designee shall temporarily withhold payment of the prize award and notify the child support enforcement agency that administers the support order that the person is entitled to a prize award, of the amount of the prize award, and, if the prize award is to be paid in annual installments, of the number of installments.

(2) Upon receipt of the notice from the director or the director's designee, the child support enforcement agency shall conduct an investigation to determine whether the person entitled to the lottery prize award is subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code. If the agency determines that the person is so subject, it shall issue an intercept directive as

described in section 3123.89 of the Revised Code to the director at lottery commission headquarters requiring the director or the director's designee to deduct from any unpaid prize award or any annual installment payment of an unpaid prize award, a specified amount for support in satisfaction of the support order under which the person is in default. To the extent possible, the amount specified to be deducted under the intercept directive shall satisfy the amount ordered for support in the support order under which the person is in default.

A child support enforcement agency shall issue an intercept directive within thirty days from the date the director or the director's designee notifies the agency under division (A)(1) of this section. Within thirty days after the date on which the agency issues the intercept directive, the director or the director's designee shall pay the amount specified in the intercept directive to the office of child support in the department of job and family services. But, if the prize award is to be paid in annual installments, the director or the director's designee, on the date the next installment payment is due, shall deduct the amount specified in the intercept directive from that installment and, if necessary, any subsequent annual installments, at the time those installments become due and owing to the prize winner, and pay the amount to the office of child support.

(B) As used in this section:

(1) "Support order" has the same meaning as in section 3119.01 of the Revised Code.

(2) "Default" has the same meaning as in section 3121.01 of the Revised Code.

(C) No person shall knowingly make a false affirmation or oath required by division (A) of this section.

Sec. 3770.073. (A) If a person is entitled to a lottery prize award and is indebted to the state for the payment of any tax, workers' compensation premium, unemployment contribution, payment in lieu of unemployment contribution, certified claim under section 131.02 or 131.021 of the Revised Code, or is indebted to a political subdivision that has a certified claim under section 131.02 of the Revised Code, lottery sales receipts held in trust on behalf of the state lottery commission as described in division (H)(4) of section 3770.05 of the Revised Code, or charge, penalty, or interest arising from these debts and if the amount of the prize money or the cost of goods or services awarded as a lottery prize award is five thousand six hundred dollars or more, the director of the state lottery commission, or the director's designee, shall do either of the following:

(1) If the prize award will be paid in a lump sum, deduct from the prize award and pay to the attorney general an amount in satisfaction of the debt and pay any remainder to that person. If the amount of the prize award is

less than the amount of the debt, the entire amount of the prize award shall be deducted and paid in partial satisfaction of the debt.

(2) If the prize award will be paid in annual installments, on the date the initial installment payment is due, deduct from that installment and pay to the attorney general an amount in satisfaction of the debt and, if necessary to collect the full amount of the debt, do the same for any subsequent annual installments, at the time the installments become due and owing to the person, until the debt is fully satisfied.

(B) If a person entitled to a lottery prize award owes more than one debt, any debt owed to the state shall be satisfied first, subject to both section 5739.33 and division (G) of section 5747.07 of the Revised Code having first priority, and subject to division (C) of this section.

(C) Any debt owed under section 3770.071 of the Revised Code shall be satisfied with first priority over debts owed under this section.

(D) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final.

Sec. 3772.01. As used in this chapter:

(A) "Applicant" means any person who applies to the commission for a license under this chapter.

(B) "Casino control commission fund" means the casino control commission fund described in Section 6(C)(3)(d) of Article XV, Ohio Constitution, the money in which shall be used to fund the commission and its related affairs.

(C) "Casino facility" means a casino facility as defined in Section 6(C)(9) of Article XV, Ohio Constitution.

(D) "Casino game" means any slot machine or table game as defined in this chapter.

(E) "Casino gaming" means any type of slot machine or table game wagering, using money, casino credit, or any representative of value, authorized in any of the states of Indiana, Michigan, Pennsylvania, and West Virginia as of January 1, 2009, and includes slot machine and table game wagering subsequently authorized by, but shall not be limited by, subsequent restrictions placed on such wagering in such states. "Casino gaming" does not include bingo, as authorized in Section 6 of Article XV, Ohio Constitution and conducted as of January 1, 2009, ~~or~~ horse racing where the pari-mutuel system of wagering is conducted, as authorized under the laws of this state as of January 1, 2009; or sports gaming.

(F) "Casino gaming employee" means any employee of a casino operator or management company, but not a key employee, and as further defined in section 3772.131 of the Revised Code.

(G) "Casino operator" means any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that directly or indirectly holds an ownership or leasehold interest in a casino facility. "Casino operator" does not include an agency of the state, any political subdivision of the state, any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that may have an interest in a casino facility, but who is legally or contractually restricted from conducting casino gaming.

(H) "Central system" means a computer system that provides the following functions related to casino gaming equipment used in connection with casino gaming authorized under this chapter: security, auditing, data and information retrieval, and other purposes deemed necessary and authorized by the commission.

(I) "Cheat" means to alter the result of a casino game, the element of chance, the operation of a machine used in a casino game, or the method of selection of criteria that determines (a) the result of the casino game, (b) the amount or frequency of payment in a casino game, (c) the value of a wagering instrument, 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 or more of the outstanding voting rights of a casino operator, management company, or gaming-related vendor license applicant or licensee.

(N) "Initial investment" includes costs related to demolition, engineering, architecture, design, site preparation, construction, infrastructure improvements, land acquisition, fixtures and equipment, insurance related to construction, and leasehold improvements.

(O) "Institutional investor" means any of the following entities owning five per cent or more, but less than ~~fifteen~~ ~~twenty-five~~ per cent, of an ownership interest in a casino facility, casino operator, management company, or holding company: a corporation, bank, insurance company, pension fund or pension fund trust, retirement fund, including funds administered by a public agency, employees' profit-sharing fund or employees' profit-sharing trust, any association engaged, as a substantial part of its business or operations, in purchasing or holding securities, including a hedge fund, mutual fund, or private equity fund, or any trust in respect of which a bank is trustee or cotrustee, investment company registered under the "Investment Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective investment trust organized by banks under Part Nine of the Rules of the Comptroller of the Currency, closed-end investment trust, chartered or licensed life insurance company or property and casualty insurance company, investment advisor registered under the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., and such other persons as the commission may reasonably determine to qualify as an institutional investor for reasons consistent with this chapter, and that does not exercise control over the affairs of a licensee and its ownership interest in a licensee is for investment purposes only, as set forth in division (F) of section 3772.10 of the Revised Code.

(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 such as accounting, general administration, maintenance, recruitment, and other operational services.

(T) "Ohio law enforcement training fund" means the state law enforcement training fund described in Section 6(C)(3)(f) of Article XV, Ohio Constitution, the money in which shall be used to enhance public safety by providing additional training opportunities to the law enforcement community.

(U) "Person" includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.

(V) "Problem casino gambling and addictions fund" means the state problem gambling and addictions fund described in Section 6(C)(3)(g) of Article XV, Ohio Constitution, the money in which shall be used for treatment of problem gambling and substance abuse, and for related research.

(W) "Promotional gaming credit" means a slot machine or table game credit, discount, or other similar item issued to a patron to enable the placement of, or increase in, a wager at a slot machine or table game.

(X) "Slot machine" means any mechanical, electrical, or other device or machine which, upon insertion of a coin, token, ticket, or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, makes individual prize determinations for individual participants in cash, premiums, merchandise, tokens, or any thing of value, whether the payoff is made automatically from the machine or in any other manner, but does not include any device that is a skill-based amusement machine, or an electronic instant bingo system, as defined in section 2915.01 of the Revised Code.

(Y) "Table game" means any game played with cards, dice, or any mechanical, electromechanical, or electronic device or machine for money, casino credit, or any representative of value. "Table game" does not include slot machines.

(Z) "Upfront license" means the first plenary license issued to a casino operator.

(AA) "Voluntary exclusion program" means a program provided by the commission that allows persons to voluntarily exclude themselves from the gaming areas of facilities under the jurisdiction of the commission by placing their name on a voluntary exclusion list and following the procedures set forth by the commission.

(BB) "Sports gaming," "sports gaming proprietor," "sports gaming facility," "mobile management services provider," and "management services provider" have the same meanings as in section 3775.01 of the Revised Code.

Sec. 3772.02. (A) There is hereby created the Ohio casino control commission described in Section 6(C)(4) of Article XV, Ohio Constitution.

(B) The commission shall consist of seven members appointed within one month of September 10, 2010, by the governor with the advice and consent of the senate. The governor shall forward all appointments to the senate within twenty-four hours.

(1) Each commission member is eligible for reappointment at the discretion of the governor. No commission member shall be appointed for more than three terms in total.

(2) Each commission member shall be a resident of Ohio.

(3) At least one commission member shall be experienced in law enforcement and criminal investigation.

(4) At least one commission member shall be a certified public accountant experienced in accounting and auditing.

(5) At least one commission member shall be an attorney admitted to the practice of law in Ohio.

(6) At least one commission member shall be a resident of a county where one of the casino facilities is located.

(7) Not more than four commission members shall be of the same political party.

(8) No commission member shall have any affiliation with an Ohio casino operator or facility or with a sports gaming proprietor, mobile management services provider, or management services provider licensed under Chapter 3775. of the Revised Code.

(C) Commission members shall serve four-year terms, except that when the governor makes initial appointments to the commission under this chapter, the governor shall appoint three members to serve four-year terms with not more than two such members from the same political party, two members to serve three-year terms with such members not being from the same political party, and two members to serve two-year terms with such members not being from the same political party.

(D) Each commission member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the unexpired term. Any member shall continue in office after the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. A vacancy in the commission membership shall be filled in the same manner as the original appointment.

(E) The governor shall select one member to serve as chairperson and the commission members shall select one member from a different party than the chairperson to serve as vice-chairperson. The governor may remove and replace the chairperson at any time. No such member shall serve as chairperson for more than six successive years. The vice-chairperson shall assume the duties of the chairperson in the absence of the chairperson. The chairperson and vice-chairperson shall perform but shall not be limited to additional duties as are prescribed by commission rule.

(F) A commission member is not required to devote the member's full time to membership on the commission. Beginning on September 29, 2015, each member of the commission shall receive compensation of fifty thousand dollars per year. Beginning July 1, 2016, each member of the commission shall receive compensation of forty thousand dollars per year. Beginning July 1, 2017, each member of the commission shall receive compensation of thirty thousand dollars per year. Each member shall receive the member's actual and necessary expenses incurred in the discharge of the member's official duties.

(G) The governor shall not appoint an individual to the commission,

and an individual shall not serve on the commission, if the individual ~~has been convicted of or pleaded guilty or no contest to a disqualifying offense as defined in~~ is ineligible to be appointed or retained under section 3772.07 of the Revised Code. Members coming A member who comes under indictment or bill of information of ~~a disqualifying an offense that, if the member were convicted of the offense, would make the member ineligible to be appointed or retained under that section~~ shall resign from the commission immediately upon indictment.

(H) At least five commission members shall be present for the commission to meet. The concurrence of four members is necessary for the commission to take any action. All members shall vote on the adoption of rules, and the approval of, and the suspension or revocation of, the licenses of casino operators or management companies, unless a member has a written leave of absence filed with and approved by the chairperson.

(I) A commission member may be removed or suspended from office in accordance with section 3.04 of the Revised Code.

(J) Each commission member, before entering upon the discharge of the member's official duties, shall make an oath to uphold the Ohio Constitution and laws of the state of Ohio and shall give a bond, payable by the commission, to the treasurer of state, in the sum of ten thousand dollars with sufficient sureties to be approved by the treasurer of state, which bond shall be filed with the secretary of state.

(K) The commission shall hold one regular meeting each month and shall convene other meetings at the request of the chairperson or a majority of the members. A member who fails to attend at least three-fifths of the regular and special meetings of the commission during any two-year period forfeits membership on the commission. All meetings of the commission shall be open meetings under section 121.22 of the Revised Code except as otherwise allowed by law.

(L) Pursuant to divisions (A)(3) and (9) of section 101.82 of the Revised Code, the commission is exempt from the requirements of sections 101.82 to 101.87 of the Revised Code.

Sec. 3772.03. (A) To ensure the integrity of casino gaming, the commission shall have authority to complete the functions of licensing, regulating, investigating, and penalizing casino operators, management companies, holding companies, key employees, casino gaming employees, and gaming-related vendors. The commission also shall have jurisdiction over all persons participating in casino gaming authorized by Section 6(C) of Article XV, Ohio Constitution, and this chapter.

(B) All rules adopted by the commission under this chapter shall be adopted under procedures established in Chapter 119. of the Revised Code. The commission may contract for the services of experts and consultants to

assist the commission in carrying out its duties under this section.

(C) The commission shall adopt rules as are necessary for completing the functions stated in division (A) of this section and for addressing the subjects enumerated in division (D) of this section.

(D) The commission shall adopt, and as advisable and necessary shall amend or repeal, rules that include all of the following:

(1) The prevention of practices detrimental to the public interest;

(2) Prescribing the method of applying, and the form of application, that an applicant for a license under this chapter must follow as otherwise described in this chapter;

(3) Prescribing the information to be furnished by an applicant or licensee as described in section 3772.11 of the Revised Code;

(4) Describing the certification standards and duties of an independent testing laboratory certified under section 3772.31 of the Revised Code and the relationship between the commission, the laboratory, the gaming-related vendor, and the casino operator;

(5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor;

(6) The approval process for a significant change in ownership or transfer of control of a licensee as provided in section 3772.091 of the Revised Code;

(7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;

(8) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code, and requiring gaming devices and equipment to meet the standards of this state;

(9) Tournament play in any casino facility;

(10) Establishing and implementing a voluntary exclusion program that provides all of the following:

(a) Except as provided by commission rule, a person who participates in the program shall agree to refrain from entering a casino facility.

(b) The name of a person participating in the program shall be included on a list of persons excluded from all casino facilities.

(c) Except as provided by commission rule, no person who participates in the program shall petition the commission for admittance into

a casino facility.

(d) The list of persons participating in the program and the personal information of those persons shall be confidential and shall only be disseminated by the commission to a casino operator and the operators, sports gaming proprietors, and their agents and employees of the casino operator for purposes of enforcement and to other entities, upon request of the participant and agreement by the commission.

(e) A casino operator shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.

(f) A casino operator shall not cash the check of a person participating in the program or extend credit to the person in any manner. However, the program shall not exclude a casino operator from seeking the payment of a debt accrued by a person before participating in the program.

(g) Any and all locations at which a person may register as a participant in the program shall be published.

(11) Requiring the commission to adopt standards regarding the marketing materials of a licensed casino operator, including allowing the commission to prohibit marketing materials that are contrary to the adopted standards;

(12) Requiring that the records, including financial statements, of any casino operator, management company, holding company, and gaming-related vendor be maintained in the manner prescribed by the commission and made available for inspection upon demand by the commission, but shall be subject to section 3772.16 of the Revised Code;

(13) Permitting a licensed casino operator, management company, key employee, or casino gaming employee to question a person suspected of violating this chapter;

(14) The chips, tokens, tickets, electronic cards, or similar objects that may be purchased by means of an agreement under which credit is extended to a wagerer by a casino operator;

(15) Establishing standards for provisional key employee licenses for a person who is required to be licensed as a key employee and is in exigent circumstances and standards for provisional licenses for casino gaming employees who submit complete applications and are compliant under an instant background check. A provisional license shall be valid not longer than three months. A provisional license may be renewed one time, at the commission's discretion, for an additional three months. In establishing standards with regard to instant background checks the commission shall take notice of criminal records checks as they are conducted under section 311.41 of the Revised Code using electronic fingerprint reading devices.

(16) Establishing approval procedures for third-party engineering or accounting firms, as described in section 3772.09 of the Revised Code;

(17) Prescribing the manner in which winnings, compensation from casino gaming, and gross revenue must be computed and reported by a licensee as described in Chapter 5753. of the Revised Code;

(18) Prescribing conditions under which a licensee's license may be suspended or revoked as described in section 3772.04 of the Revised Code;

(19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner;

(20) Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for the provision of security at and surveillance of casino facilities;

(21) Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees;

(22) Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code;

(23) Defining penalties for violation of commission rules and a process for imposing such penalties;

(24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government;

(25) Establishing standards for the repair of casino gaming equipment;

(26) Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under section 3772.18 of the Revised Code;

(27) Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding company, or gaming-related vendor that fall below the threshold needed to be considered an institutional investor or a holding company, standards regarding what any employees, members, or owners of those investors or holding companies may do and shall not do in relation to casino facilities and casino gaming in this state, which standards shall rationally relate to the need to proscribe conduct that is inconsistent with passive institutional investment status;

(28) Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter.

(E) The commission shall employ and assign gaming agents as necessary to assist the commission in carrying out the duties of this chapter and ~~Chapter~~ Chapters 2915. and 3775. of the Revised Code. In order to maintain employment as a gaming agent, the gaming agent shall successfully complete all continuing training programs required by the commission and shall not have been convicted of or pleaded guilty or no contest to a disqualifying an offense as defined in that makes the gaming agent ineligible for appointment or retention under section 3772.07 of the Revised Code.

(F) The commission, as a law enforcement agency, and its gaming agents, as law enforcement officers as defined in section 2901.01 of the Revised Code, shall have authority with regard to the detection and investigation of, the seizure of evidence allegedly relating to, and the apprehension and arrest of persons allegedly committing violations of this chapter or gambling offenses as defined in section 2915.01 of the Revised Code or violations of any other law of this state that may affect the integrity of casino gaming ~~or~~ the operation of skill-based amusement machines, or the operation of sports gaming, and shall have access to casino facilities ~~and~~ skill-based amusement machine facilities, and sports gaming facilities to carry out the requirements of this chapter and Chapter 3775. of the Revised Code.

(G) The commission may eject or exclude or authorize the ejection or exclusion of and a gaming agent may eject a person from a casino facility for any of the following reasons:

(1) The person's name is on the list of persons voluntarily excluding themselves from all casinos in a program established according to rules adopted by the commission;

(2) The person violates or conspires to violate this chapter or a rule adopted thereunder; or

(3) The commission determines that the person's conduct or reputation is such that the person's presence within a casino facility may call into question the honesty and integrity of the casino gaming operations or interfere with the orderly conduct of the casino gaming operations.

(H) A person, other than a person participating in a voluntary exclusion program, may petition the commission for a public hearing on the person's ejection or exclusion under this chapter.

(I) A casino operator or management company shall have the same authority to eject or exclude a person from the management company's casino facilities as authorized in division (G) of this section. The licensee shall immediately notify the commission of an ejection or exclusion.

(J) The commission shall submit a written annual report with the governor, president and minority leader of the senate, and the speaker and minority leader of the house of representatives before the first day of September each year. The annual report shall cover the previous fiscal year and shall include all of the following:

(1) A statement describing the receipts and disbursements of the commission;

(2) Relevant financial data regarding casino gaming, including gross revenues and disbursements made under this chapter;

(3) Actions taken by the commission;

(4) An update on casino operators', management companies', and holding companies' compulsive and problem gambling plans and the voluntary exclusion program and list;

(5) Information regarding prosecutions for conduct described in division (H) of section 3772.99 of the Revised Code, including, but not limited to, the total number of prosecutions commenced and the name of each person prosecuted;

(6) Any additional information that the commission considers useful or that the governor, president or minority leader of the senate, speaker or minority leader of the house of representatives requests.

(K) To ensure the integrity of skill-based amusement machine operations, the commission shall have jurisdiction over all persons conducting or participating in the conduct of skill-based amusement machine operations authorized by this chapter and Chapter 2915. of the Revised Code, including the authority to complete the functions of licensing, regulating, investigating, and penalizing those persons in a manner that is consistent with the commission's authority to do the same with respect to casino gaming. To carry out this division, the commission may adopt rules under Chapter 119. of the Revised Code, including rules establishing fees and penalties related to the operation of skill-based amusement machines.

(L) To ensure the integrity of fantasy contests, the commission shall have jurisdiction over all persons conducting or participating in the conduct of a fantasy contest authorized by Chapter 3774. of the Revised Code, including the authority to license, regulate, investigate, and penalize those persons in a manner that is consistent with the commission's authority to do the same with respect to skill-based amusement machines. To carry out this division, the commission may adopt rules under Chapter 119. of the Revised Code, including rules establishing fees and penalties related to the operation of fantasy contests.

(M) All fees imposed pursuant to the rules adopted under divisions (K) and (L) of this section shall be deposited into the casino control

commission fund.

Sec. 3772.062. (A)(1) The executive director of the commission shall enter into an agreement with the department of mental health and addiction services under which the department provides a program of gambling and addiction services, including services to alleviate problem sports gaming, on behalf of the commission.

(2) The commission shall use the moneys in the problem sports gaming fund established under section 5753.031 of the Revised Code for the purpose of paying the costs of program services to alleviate problem sports gaming in this state.

(B) The executive director of the commission, in conjunction with the department of mental health and addiction services and the state lottery commission, shall establish, operate, and publicize an in-state, toll-free telephone number Ohio residents may call to obtain basic information about problem gambling, the gambling addiction services available to problem gamblers, and how a problem gambler may obtain help. The telephone number shall be staffed twenty-four hours per day, seven days a week, to respond to inquiries and provide that information. The costs of establishing, operating, and publicizing the telephone number shall be paid for with money in the problem casino gambling and addictions fund.

Sec. 3772.07. The following appointing or licensing authorities shall obtain a criminal records check of the person who is to be appointed or licensed:

(A) The governor, before appointing an individual as a member of the commission;

(B) The commission, before appointing an individual as executive director or a gaming agent;

(C) The commission, before issuing a license for a key employee or casino gaming employee, and before issuing a license for each investor, except an institutional investor, for a casino operator, management company, holding company, or gaming-related vendor;

(D) The executive director, before appointing an individual as a professional, technical, or clerical employee of the commission.

Thereafter, such an appointing or licensing authority shall obtain a criminal records check of the same individual at three-year intervals.

The appointing or licensing authority shall make available to each person of whom a criminal records check is required a copy of the form and the standard fingerprint impression sheet prescribed under divisions (C)(1) and (2) of section 109.572 of the Revised Code. The person shall complete the form and impression sheet and return them as directed by the appointing or licensing authority. If a person fails to complete and return the form and

impression sheet within a reasonable time, the person is ineligible to be appointed or licensed or to continue in the appointment or licensure.

The appointing or licensing authority shall cause the completed form and impression sheet to be forwarded to the superintendent of the bureau of criminal identification and investigation. The appointing or licensing authority shall request the superintendent also to obtain information from the federal bureau of investigation, including fingerprint-based checks of the national crime information databases, and from other states and the federal government under the national crime prevention and privacy compact as part of the criminal records check.

For all criminal records checks conducted under this section, the applicant for a casino operator, management company, holding company, gaming-related vendor, key employee, or casino gaming employee license shall pay the fee charged by the bureau of criminal identification and investigation or by a vendor approved by the bureau to conduct a criminal records check based on the applicant's fingerprints in accordance with division (A)(15) of section 109.572 of the Revised Code. If the applicant for a key employee or casino gaming employee license is applying at the request of a casino operator, management company, holding company, or gaming-related vendor, the casino operator, management company, holding company, or gaming-related vendor shall pay the fee charged for all criminal records checks conducted under this section.

The appointing or licensing authority shall review the results of a criminal records check. An appointee for a commission member shall forward the results of the criminal records check to the president of the senate before the senate advises and consents to the appointment of the commission member. The appointing authority shall not appoint or retain the appointment of a person a criminal records check discloses has been convicted of or has pleaded guilty or no contest to any gambling offense, any theft offense, any offense having an element of fraud or misrepresentation, any offense having an element of moral turpitude, and any felony not otherwise included in the foregoing list, except as otherwise provided in section 3772.10 of the Revised Code. The licensing authority shall not license a person if a criminal records check discloses that the person has been convicted of a disqualifying offense. As used in this section, "disqualifying offense" means a disqualifying offense as determined by the licensing authority under section 9.79 of the Revised Code.

The report of a criminal records check is not a public record that is open to public inspection and copying. The commission shall not make the report available to any person other than the person who was the subject of the criminal records check; an appointing or licensing authority; a member, the executive director, or an employee of the commission; or any court or agency, including a hearing examiner, in a judicial or administrative

proceeding relating to the person's employment or application for a license under this chapter.

Sec. 3772.37. (A) Pursuant to section 131.02 of the Revised Code, the attorney general shall develop and implement a real time data match program and make it available to each casino operator and management company to identify patrons who owe amounts to the state or a political subdivision.

(B)(1) Before disbursing any casino winnings to a patron in an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, a casino operator or management company shall consult the data match program to determine whether the patron owes any amounts to the state or a political subdivision. If the data match program indicates that the patron owes any amounts to the state or a political subdivision, the casino operator or management company shall withhold from the patron's winnings an amount sufficient to satisfy those amounts, up to the amount of the winnings.

(2) If the data match program described in section 3123.90 of the Revised Code indicates that the patron also is in default under a support order, the casino operator or management company shall transmit to the department of job and family services an amount sufficient to satisfy any past due support owed by the patron, up to the amount of the winnings, before transmitting any remaining amount to the attorney general under division (C) of this section.

(C)(1) Not later than fourteen days after withholding an amount under division (B) of this section, the casino operator or management company shall transmit to the attorney general any amount withheld and not already disbursed to the department of job and family services under section 3123.90 of the Revised Code as payment on the amount owed.

(2) If the patron owes more than one amount to the state or a political subdivision as identified by the data match program described in this section, the amount owed to the state shall be satisfied first, except that any amounts owed under section 5739.33 and division (G) of section 5747.07 of the Revised Code shall have first priority.

(D) Except as otherwise provided in section 131.021 of the Revised Code, this section applies only to amounts owed that have become final.

(E) The attorney general, in consultation with the commission, may adopt rules under Chapter 119, of the Revised Code as necessary to implement this section.

Sec. 3775.01. As used in this chapter:

(A) "Casino operator" has the same meaning as in section 3772.01 of the Revised Code.

(B) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers educational services beyond the secondary level.

(C) "Commission" means the Ohio casino control commission.

(D)(1) "Mobile management services provider" means a person that contracts with a type A sports gaming proprietor under section 3775.05 of the Revised Code to operate sports gaming on behalf of the sports gaming proprietor and that is licensed by the Ohio casino control commission as a mobile management services provider under that section.

(2) "Management services provider" means a person that contracts with a type B sports gaming proprietor under section 3775.051 of the Revised Code to operate sports gaming on behalf of the sports gaming proprietor and that is licensed by the Ohio casino control commission as a management services provider under that section.

(E) "Official league data" means statistics, results, outcomes, and other data related to a sporting event provided by the appropriate sports governing body or its designee.

(F) "Online sports pool" means sports gaming in which a wager on a sporting event is made through a computer or mobile device and accepted through an online gaming web site that is operated by a type A sports gaming proprietor or mobile management services provider.

(G) "Professional sport or athletic event" means an event at which two or more persons participate in sports or athletic events and receive compensation, or the potential for compensation based on their performance, in excess of actual expenses for their participation in the event.

(H) "Professional sports organization" means any of the following:

(1) The owner of a professional sports team in this state that is a member of the national football league, the national hockey league, major league baseball, major league soccer, or the national basketball association;

(2) The owner of a sports facility in this state that hosts an annual tournament on the professional golf association tour;

(3) A promoter of a national association for stock car auto racing national touring race conducted in this state.

(I) "Promotional gaming credit" means a credit, discount, or other similar item issued to a patron to enable the placement of, or increase in, a wager on a sporting event.

(J) "Proposition bet" means a wager on a sporting event that is based in whole or in part on an outcome other than the final score or outcome of the sporting event.

(K)(1) Except as otherwise provided in divisions (K)(2) and (3) of

this section, "sporting event" means any professional sport or athletic event, any collegiate sport or athletic event, any Olympic or international sports competition event, any motor race event, any horse race, or any other special event the Ohio casino control commission authorizes for sports gaming, the individual performance statistics of athletes or participants in such an event, or a combination of those.

(2) "Sporting event" does not include an event for primary or secondary school students, whether conducted or sponsored by a primary or secondary school or by another person, or the individual performance statistics of athletes or participants in such an event.

(3) "Sporting event" includes an event that involves athletes or participants who are under eighteen years of age, or the individual performance statistics of athletes or participants in the event, only if the Ohio casino control commission authorizes the event for sports gaming.

(L)(1) "Sports gaming" means the business of accepting wagers on sporting events.

(2)(a) With respect to sports gaming offered by a type A or type B sports gaming proprietor, except as otherwise provided in division (L)(3) of this section, "sports gaming" includes any system or method of wagering on sporting events that the Ohio casino control commission approves, including exchange wagering, parlays, spreads, over-under, moneyline, in-game wagering, single game bets, teaser bets, in-play bets, proposition bets, pools, pari-mutuel sports wagering pools, or straight bets.

(b) With respect to sports gaming offered by a type C sports gaming proprietor, "sports gaming" includes only spread, over-under, and moneyline wagering on sporting events, as approved by the Ohio casino control commission.

(3) "Sports gaming" does not include any of the following:

(a) Pari-mutuel betting on the outcome of a horse race, as authorized under Chapter 3769. of the Revised Code;

(b) Lottery games authorized under Chapter 3770. of the Revised Code, including video lottery terminals;

(c) Casino gaming authorized under division (C) of Section 6 of Article XV, Ohio Constitution and Chapter 3772. of the Revised Code;

(d) Fantasy contests authorized under Chapter 3774. of the Revised Code.

(M) "Sports gaming equipment" means any of the following that directly relate to or affect, or are used or consumed in, the operation of sports gaming:

(1) Any mechanical, electronic, or other device, mechanism, or

equipment, including a self-service sports gaming terminal;

(2) Any software, application, components, or other goods;

(3) Anything to be installed or used on a patron's personal device.

(N) "Sports gaming facility" means a designated area of a building or structure in which patrons may place wagers on sporting events with a type B sports gaming proprietor either in person or using self-service sports gaming terminals.

(O) "Sports gaming license" means a sports gaming proprietor license, a mobile management services provider license, a management services provider license, a sports gaming occupational license, a type C sports gaming host license, or a sports gaming supplier license issued by the Ohio casino control commission under this chapter.

(P) "Sports gaming licensee" means a person who holds a valid sports gaming license.

(Q) "Sports gaming proprietor" means a person licensed by the Ohio casino control commission to offer sports gaming in this state as a type A, type B, or type C sports gaming proprietor.

(R) "Sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(S)(1) "Sports gaming supplier" means a person or entity that provides sports gaming equipment or related services to a sports gaming proprietor, mobile management services provider, or management services provider, including providing services, directly or indirectly, that are necessary to create a betting market or to determine bet outcomes.

(2) A sports gaming supplier that provides sports gaming equipment or services to be used through a sports gaming proprietor, mobile management services provider, or management services provider is not considered a sports gaming proprietor, mobile management services provider, or management services provider solely on that basis.

(3) A sports governing body that provides official league data concerning its own sporting event to a sports gaming proprietor, mobile management services provider, management services provider, or sports gaming supplier is not considered a sports gaming supplier solely on that basis.

(T) "Sports governing body" means a regional, national, or international organization having ultimate authority over the rules and codes of conduct with respect to a sporting event and the participants in the sporting event.

(U) "Type A sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports

gaming through an online sports pool.

(V) "Type B sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming at a sports gaming facility.

(W) "Type C sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming through self-service sports gaming terminals located at type C sports gaming hosts' facilities.

(X) "Type C sports gaming host" means the owner of a facility with a D-1, D-2, or D-5 liquor permit issued under Chapter 4303. of the Revised Code who is licensed by the Ohio casino control commission to offer sports gaming at the facility through a type C sports gaming proprietor.

(Y) "Video lottery sales agent" means an agent of the state lottery authorized to operate video lottery terminals under section 3770.21 of the Revised Code.

(Z) "Wager" or "bet" means to risk a sum of money or thing of value on an uncertain occurrence.

Sec. 3775.02. (A) The Ohio casino control commission shall have jurisdiction over all persons conducting or participating in the conduct of sports gaming authorized by this chapter, including the authority to license, regulate, investigate, and penalize those persons in a manner that is consistent with the commission's authority with respect to casino gaming. In all cases in which this chapter requires or allows the commission to adopt rules concerning sports gaming, the commission shall adopt those rules under Chapter 119. of the Revised Code.

(B) The commission shall adopt rules that include all of the following:

(1) Procedures for a sports gaming proprietor to accept wagers on a sporting event or series of sporting events;

(2) The types of wagering tickets sports gaming proprietors are to use;

(3) The manner in which sports gaming proprietors are to issue tickets;

(4) The type of records sports gaming licensees are to keep;

(5) The system to be used to place a wager with a sports gaming proprietor;

(6) The manner in which sports gaming proprietors must verify that their patrons are at least twenty-one years of age;

(7) Protections for a player placing a wager with a sports gaming proprietor;

(8) Measures to promote responsible sports gaming;

(9) Penalties and fines for violating this section or rules adopted under this section;

(10) Restrictions to ensure that sports gaming proprietors' advertisements for sports gaming meet all of the following requirements:

(a) They do not target individuals under twenty-one years of age, other individuals who are ineligible to participate in sports gaming, problem gamblers, or other vulnerable individuals;

(b) They disclose the identity of the sports gaming proprietor;

(c) They provide information about how to access resources related to problem gambling;

(d) They are not false, misleading, or deceptive to a reasonable consumer.

(11) Requirements concerning the size, furnishings, and equipment of a sports gaming facility and the minimum capital investment in a sports gaming facility that is necessary to ensure that it generates strong economic development;

(12) Any other procedure or thing the commission determines necessary to ensure the integrity of sports gaming regulated by the commission.

(C)(1) The commission may, independently or at the request of any person, including a sports governing body, adopt rules to prohibit or restrict sports gaming proprietors from accepting wagers on a particular sporting event or to prohibit or restrict sports gaming proprietors from accepting a particular type of wager.

(2) The commission shall adopt rules prescribing a process by which the commission may prohibit or restrict sports gaming proprietors from accepting wagers on a particular sporting event or prohibit or restrict sports gaming proprietors from accepting a particular type of wager on a temporary emergency basis instead of by rule.

(3)(a) A sports governing body may formally request the commission to prohibit or restrict sports gaming proprietors from accepting wagers on a particular sporting event or to prohibit or restrict sports gaming proprietors from accepting a particular type of wager. The sports governing body shall submit the formal request in the form and manner prescribed by the commission. Upon receiving the request, the commission promptly shall send written notice of the request to every sports gaming proprietor and shall consider any timely response submitted by a sports gaming proprietor.

(b) If the commission determines that the sports governing body has shown good cause through its formal request to grant the requested

prohibition or restriction, the commission promptly shall adopt the prohibition or restriction.

(c) If the commission determines that the sports governing body has not shown good cause through its formal request to grant the requested prohibition or restriction, the commission promptly shall provide the sports governing body with notice and an opportunity for a hearing to offer further evidence in support of granting the requested prohibition or restriction.

(D) The commission shall adopt rules establishing minimum internal control standards for the administration of sports gaming proprietors' operations, sports gaming equipment, systems, or other items used by sports gaming proprietors to conduct sports gaming, and the maintenance of sports gaming proprietors' financial records and other required records. The commission may approve minimum internal control standards proposed by sports gaming proprietors.

(E)(1) The commission shall approve all sports gaming equipment and each form, variation, or composite of sports gaming to be used by sports gaming proprietors.

(2)(a) Before approving a piece of sports gaming equipment or a form, variation, or composite of sports gaming, the commission shall require it to undergo scientific testing or technical evaluation, as the commission determines appropriate. The commission may require the testing or evaluation to be conducted at the expense of the sports gaming supplier or sports gaming proprietor, as applicable, by an independent testing laboratory certified by the commission.

(b) The commission may certify an independent testing laboratory to test and evaluate sports gaming equipment and forms, variations, or composites of sports gaming if both of the following apply:

(i) The laboratory is competent and qualified to scientifically test and technically evaluate sports gaming equipment and forms, variations, or composites of sports gaming for compliance with this chapter and with the rules of the commission and otherwise to perform the functions assigned to the laboratory by the commission;

(ii) The laboratory is not owned or controlled by, is not affiliated with, and does not have any interest in a sports gaming proprietor, mobile management services provider, management services provider, sports gaming supplier, or sports governing body.

(c) The commission shall adopt rules prescribing the certification standards, fees, and duties that apply to a certified independent testing laboratory under division (E) of this section.

(3) The commission shall adopt rules requiring sports gaming licensees and sports gaming facilities to use only approved sports gaming

equipment acquired from a licensed sports gaming supplier and to use only approved forms, variations, or composites of sports gaming.

(F)(1) The commission shall determine a person's eligibility to hold or renew a sports gaming license under this chapter, shall issue all sports gaming licenses, and shall maintain a record of all sports gaming licenses issued under this chapter.

(2) The commission shall conduct a complete investigation of each applicant for a sports gaming license to determine whether the applicant meets the requirements of this chapter and of the commission's rules each time the applicant applies for an initial or renewed sports gaming license. The commission may initiate an additional licensing investigation or adjudication or reopen an existing licensing investigation or adjudication at any time.

(G)(1) Except as otherwise provided in division (G)(2) of this section, the commission shall levy and collect all fees and surcharges imposed under this chapter and rules adopted under this chapter and shall deposit all moneys collected in the casino control commission fund created under section 5753.03 of the Revised Code.

(2) The commission shall levy and collect fines for noncriminal violations of the provisions of this chapter and of rules adopted under this chapter. The commission shall deposit all such fines, along with the license fees described in division (D) of section 3775.04, division (B)(3) of section 3775.05, and division (B)(3) of section 3775.051 of the Revised Code, in the sports gaming revenue fund created under section 5753.031 of the Revised Code.

(H) The commission, in an adjudication conducted under Chapter 119. of the Revised Code, may penalize, limit, condition, restrict, suspend, revoke, deny, or refuse to renew any sports gaming license. The commission may take into account any relevant aggravating or mitigating factors without in any manner limiting the commission's authority to impose the level and type of discipline the commission considers appropriate.

(I)(1) The commission shall monitor all sports gaming conducted in this state by sports gaming proprietors, or shall contract with an independent integrity monitoring provider for that purpose, in order to identify any unusual betting activities or patterns that may indicate a need for further investigation. The commission shall require each sports gaming proprietor to participate in the monitoring system as part of the minimum internal control standards described in division (D) of this section.

(2) The information in the monitoring system described in division (I) (1) of this section is not a public record. The commission may disclose the information in the monitoring system only as necessary for investigative or law enforcement purposes, as permitted under division (I)(3) of this section.

or pursuant to a court order.

(3) If a sports governing body believes that the integrity of one of its sporting events is in question, the sports governing body may formally request the commission to make anonymized sports gaming data concerning the sporting event available to the sports governing body, as soon after each bet is placed as is commercially reasonable, through the monitoring system described in division (I)(1) of this section. If the commission determines that the sports governing body has shown good cause to believe that the integrity of the sporting event is in question, the commission shall make that data available to the sports governing body, provided that the commission shall not be required to provide any information to a sports governing body that would jeopardize an ongoing criminal investigation.

(J)(1) The executive director of the commission promptly shall report to the commission any facts or circumstances related to the operation of a sports gaming licensee that constitute a violation of state or federal law and immediately report any suspicious wagering to the appropriate state or federal authorities.

(2) The commission shall cooperate with any investigation conducted by a law enforcement agency or sports governing body, including by providing, or facilitating the provision of, wagering information and audio or video files related to persons placing wagers, provided that the commission shall not be required to provide any information to a sports governing body that would jeopardize an ongoing criminal investigation.

(3) A sheriff, chief of police, or prosecuting attorney shall furnish to the commission, on forms prescribed by the commission, any information obtained concerning any apparent violation of this chapter or rules adopted under this chapter. If the information is considered a confidential law enforcement investigatory record under section 149.43 of the Revised Code, the commission shall not disclose the information to the public.

(K)(1) The attorney general has a civil cause of action to restrain any violation of this chapter or of rules adopted under this chapter. Upon the request of the commission or its executive director, the attorney general shall commence and prosecute such an action to completion. The court shall give priority to such an action over all other civil actions.

(2) An action brought under division (K)(1) of this section does not preclude an administrative or criminal proceeding on the same facts.

(3) The attorney general may enter into an agreement with a state or local law enforcement agency to carry out the duties described in division (K)(1) of this section.

Sec. 3775.03. (A) Except as permitted under section 3770.23 of the Revised Code, no person shall operate, conduct, or assist in operating or

conducting sports gaming in this state without first obtaining an appropriate sports gaming license from the Ohio casino control commission.

(B) Each person applying for an initial or renewed sports gaming license issued under this chapter, and each individual who has control of the applicant as described in division (C) of this section, shall submit two complete sets of fingerprints to the commission for the purpose of conducting a criminal records check, including obtaining any available information from the federal bureau of investigation. The person shall provide the fingerprints using a method the superintendent of the bureau of criminal identification and investigation prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and fill out the form the superintendent of the bureau of criminal identification and investigation prescribes pursuant to division (C)(1) of section 109.572 of the Revised Code. Upon receiving an application under this section, the executive director of the Ohio casino control commission shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the fingerprint impressions in accordance with division (A)(19) of section 109.572 of the Revised Code. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the applicant, or in the case of an occupational license, by the applicant's employer. Any applicant convicted of any disqualifying offense, as defined in section 3772.07 of the Revised Code, shall not be issued a license.

(C) The Ohio casino control commission shall not grant a sports gaming proprietor, mobile management services provider, or management services provider license until it has determined that each person who has control of the applicant has met the qualifications for sports gaming licensure established in this chapter and in rules adopted by the commission. All of the following persons are considered to have control of an applicant:

(1) Each person associated with a corporate applicant, including any corporate holding company, parent company, or subsidiary company of the applicant, that has the ability to control the activities of the corporate applicant or elect a majority of the board of directors of that corporation, other than any bank or other licensed lending institution that holds a mortgage or other lien acquired in the ordinary course of business;

(2) Each person associated with a noncorporate applicant that directly or indirectly holds a beneficial or proprietary interest in the applicant's business operation or that the commission otherwise determines has the ability to control the applicant;

(3) Key personnel of an applicant, including any executive, employee, or agency, having the power to exercise significant influence over decisions concerning any part of the applicant's business operation.

(D) A sports gaming proprietor, mobile management services provider, or management services provider shall display its license conspicuously in its place of business or have the license available for inspection by any agent of the Ohio casino control commission or any law enforcement agency. Each holder of an occupational license issued under section 3775.06 of the Revised Code shall have an indicator of licensure prominently displayed when present in a sports gaming facility at all times, in accordance with the rules of the commission. Each type C sports gaming host shall display its license conspicuously in its place of business.

(E) A sports gaming licensee shall give the Ohio casino control commission written notice within ten days of any material change to any information provided in the licensee's application for a license or renewal. The commission shall specify by rule which changes to that information it considers to be material.

Sec. 3775.04. (A)(1) A type A sports gaming proprietor license authorizes a sports gaming proprietor to offer sports gaming through one or more online sports pools.

(2) The Ohio casino control commission shall license not more than twenty-five type A sports gaming proprietors at any one time.

(3) A type A sports gaming proprietor shall meet at least one of the following requirements at all times:

(a) The type A sports gaming proprietor also shall operate a sports gaming facility under a type B sports gaming proprietor license.

(b) The type A sports gaming proprietor shall maintain at least one place of business in this state, including a secure facility to house the servers responsible for accepting wagers through the sports gaming proprietor's online sports pools.

(4) The commission shall adopt by rule a procedure allowing the commission to revoke a type A sports gaming proprietor license if the licensee does not offer sports gaming to patrons under the license for a continuous period of one year or more.

(B)(1) A type B sports gaming proprietor license authorizes a sports gaming proprietor to offer sports gaming at one sports gaming facility at a location specified on the license.

(2) The commission shall license not more than forty type B sports gaming proprietors at any one time.

(3)(a) No sports gaming facility shall be located in a county with a population of less than one hundred thousand, as determined by the 2010 federal decennial census.

(b) Not more than one sports gaming facility shall be located in a county with a population of one hundred thousand or more, but less than four

hundred thousand, as determined by the 2010 federal decennial census, at any one time.

(c) Not more than three sports gaming facilities shall be located in a county with a population of four hundred thousand or more, but less than eight hundred thousand, as determined by the 2010 federal decennial census, at any one time.

(d) Not more than five sports gaming facilities shall be located in a county with a population of eight hundred thousand or more, as determined by the 2010 federal decennial census, at any one time.

(4) The commission shall issue an initial type B sports gaming proprietor license only to a person who conducts significant economic activity in the county in which the sports gaming facility is to be located, as determined by the commission in consultation with the development services agency.

(C)(1) A type C sports gaming proprietor license authorizes a sports gaming proprietor to offer sports gaming through self-service sports gaming terminals located at one or more type C sports gaming hosts' facilities.

(2) The commission shall license at least three, and not more than twenty, type C sports gaming proprietors at any one time.

(D) An applicant for an initial or renewed type A, type B, or type C sports gaming proprietor license shall do all of the following:

(1) Submit a written application on a form furnished by the commission.

(a) If the application is for an initial type B sports gaming proprietor license, the application shall specify the intended location of the sports gaming facility or, at a minimum, the county in which the sports gaming facility is to be located if the license is granted.

(b) If the application is for a renewed type B sports gaming proprietor license, the application shall specify one of the following, as applicable:

(i) If the sports gaming proprietor does not intend to relocate the sports gaming facility, the location of the sports gaming facility;

(ii) If the sports gaming proprietor intends to relocate the sports gaming facility, the intended new location of the sports gaming facility or, at a minimum, the county in which the sports gaming facility is to be located if the renewal is granted.

(2) Pay the fee required under division (C)(3) of section 109.572 of the Revised Code, along with a nonrefundable application fee in an amount prescribed by the commission by rule;

(3) Submit an audit of the applicant's financial transactions and the condition of the applicant's total operations for the previous fiscal year

prepared by a certified public accountant in accordance with generally accepted accounting principles and state and federal laws;

(4) Satisfy any other requirements for licensure under this chapter and rules adopted under this chapter.

(E) Upon receiving an initial or renewed sports gaming proprietor license, the applicant shall pay the following nonrefundable license fee, as applicable, and shall give to the state a surety bond, in an amount and in the form approved by the commission, to guarantee that the applicant faithfully makes all payments required by this chapter and rules adopted under this chapter during the period of the license:

(1)(a) For an initial or renewed type A sports gaming proprietor license:

(i) If the type A sports gaming proprietor is a professional sports organization, five hundred thousand dollars;

(ii) If the type A sports gaming proprietor is not a professional sports organization, one million dollars.

(b) Not later than one year after an initial or renewed type A sports gaming proprietor license is issued, the sports gaming proprietor shall pay a nonrefundable interim license fee as follows:

(i) If the type A sports gaming proprietor is a professional sports organization, two hundred fifty thousand dollars;

(ii) If the type A sports gaming proprietor is not a professional sports organization, five hundred thousand dollars.

(c) Not later than two years after an initial or renewed type A sports gaming proprietor license is issued, the sports gaming proprietor shall pay a second nonrefundable interim license fee as follows:

(i) If the type A sports gaming proprietor is a professional sports organization, two hundred fifty thousand dollars;

(ii) If the type A sports gaming proprietor is not a professional sports organization, five hundred thousand dollars.

(2)(a) For an initial type B sports gaming proprietor license, one hundred thousand dollars;

(b) For a renewed type B sports gaming proprietor license, twenty-five thousand dollars;

(3)(a) For an initial type C sports gaming proprietor license, one hundred thousand dollars;

(b) For a renewed type C sports gaming proprietor license, twenty-five thousand dollars.

(F)(1) A sports gaming proprietor license shall be valid for a term of three years.

(2) Upon the expiration of a sports gaming proprietor license, the sports gaming proprietor may apply to renew the license in the same manner as for an initial license, unless the license is suspended or revoked or the commission determines that the sports gaming proprietor is not in compliance with this chapter and the rules adopted under this chapter.

Sec. 3775.041. (A) In issuing initial and renewed type A and type B sports gaming proprietor licenses, the Ohio casino control commission shall give preference to applicants that are professional sports organizations, casino operators, or video lottery sales agents, subject to the factors described in divisions (B), (C), and (D) of this section, as applicable. The commission shall give equal preference to professional sports organizations, casino operators, and video lottery sales agents for that purpose.

(B) In issuing initial and renewed type A, type B, and type C sports gaming proprietor licenses, the commission shall consider all of the following factors, in addition to all other requirements for licensure specified under this chapter and in the rules of the commission:

(1) The reputation, experience, and financial integrity of the applicant and any person that controls the applicant, as determined under division (C) of section 3775.03 of the Revised Code;

(2) The total amount of taxable income the applicant pays, or will pay, to its employees in this state;

(3) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance and to provide an adequate surety bond;

(4) The past and present compliance of the applicant and its affiliates or affiliated companies with gambling-related licensing requirements in this state or any other jurisdiction, including whether the applicant has a history of noncompliance with those requirements;

(5) Whether the applicant has been charged with, indicted for, or convicted of any felony or misdemeanor criminal offense under the laws of any jurisdiction, not including any traffic violation;

(6) Whether the applicant has filed, or had filed against it, a proceeding for bankruptcy, or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt;

(7) Whether the applicant has been served with a complaint or other notice filed with any public body regarding a payment of any tax required under federal, state, or local law that has been delinquent for one or more years;

(8) Whether the applicant is or has been a defendant in litigation involving its business practices;

(9) Whether awarding a license would undermine the public's confidence in the sports gaming industry in this state.

(C) In the case of a type A sports gaming proprietor license, the Ohio casino control commission also shall consider all of the following:

(1) The nature of the applicant's current or intended physical presence in this state, including any expenditures for physical infrastructure;

(2) The length of time, if any, for which the applicant has been doing any kind of business in this state;

(3) Whether the total taxable income the applicant pays to its employees in this state each year has been, or will be, at least ten million dollars;

(4) The applicant's current or intended local and statewide economic involvement in this state;

(5) The applicant's other current or intended contributions to this state, including promoting tourism.

(D) In the case of a type B sports gaming proprietor license, the Ohio casino control commission also shall consider whether the current or proposed locations of sports gaming facilities are distributed equitably among all regions of the state.

(E) Notwithstanding any contrary provision of division (A), (B), (C), or (D) of this section, the Ohio casino control commission shall not give preference to an applicant for a sports gaming proprietor license on the basis that any of the following persons currently contract, or have contracted, with the state lottery commission or any other agency of this state:

(1) The applicant;

(2) A person that has control over the applicant, as determined under division (C) of section 3775.03 of the Revised Code;

(3) A person over which the applicant has control, as determined under that division.

Sec. 3775.05. (A)(1)(a) A type A sports gaming proprietor that is a professional sports organization may contract with not more than one mobile management services provider to offer sports gaming on the sports gaming proprietor's behalf, in a manner authorized under the contract.

(b) A type A sports gaming proprietor that is not a professional sports organization may contract with not more than two mobile management services providers to offer sports gaming on the sports gaming proprietor's behalf, in a manner authorized under the contract.

(2)(a) The holder of a type A sports gaming proprietor license that is a member of a league, association, or organization that prevents the holder from being subject to the regulatory control of the Ohio casino control commission or from otherwise operating under the license may contractually appoint a designee operator that is considered the mobile management services provider for all aspects of commission oversight and operating under the license. The sports gaming proprietor shall not have control over the mobile management services provider, and the mobile management services provider shall not have control over the sports gaming proprietor, as determined by the commission under division (C) of section 3775.03 of the Revised Code.

(b) A sports gaming proprietor and a mobile management services provider described in division (A)(2)(a) of this section shall not exchange any information that may compromise the integrity of sporting events or of sports gaming. The commission shall adopt by rule procedures for the sports gaming proprietor and the mobile management services provider to follow to ensure the integrity of sporting events and of sports gaming, including procedures to prevent any exchange of information or conflict of interest between the sports gaming proprietor and the mobile management services provider.

(3) A mobile management services provider may offer sports gaming only in accordance with this chapter, with the rules adopted by the Ohio casino control commission under this chapter, and with the nature of the sports gaming proprietor's license.

(B)(1) A mobile management services provider shall be licensed under this section before entering into a contract with a type A sports gaming proprietor as described in division (A) of this section. An applicant for an initial or renewed mobile management services provider license shall meet all requirements for licensure established by the commission by rule and shall pay the fee required under division (C)(3) of section 109.572 of the Revised Code, along with a nonrefundable application fee in an amount determined by the commission by rule.

(2) The commission may accept another jurisdiction's license, if the commission determines it has similar licensing requirements, as evidence that the applicant meets the requirements for a license issued under this section.

(3)(a) Upon receiving an initial or renewed mobile management services provider license, the applicant shall pay a nonrefundable license fee of one million dollars.

(b) Not later than one year after the initial or renewed mobile management services provider license is issued, the mobile management services provider shall pay a nonrefundable interim license fee as follows:

(i) If the mobile management services provider contracts with a type

A sports gaming proprietor that is a professional sports organization, one million dollars;

(ii) If the mobile management services provider does not contract with a type A sports gaming proprietor that is a professional sports organization, five hundred thousand dollars.

(c) Not later than two years after the initial or renewed mobile management services provider license is issued, the mobile management services provider shall pay a second nonrefundable interim license fee as follows:

(i) If the mobile management services provider contracts with a type A sports gaming proprietor that is a professional sports organization, one million dollars;

(ii) If the mobile management services provider does not contract with a type A sports gaming proprietor that is a professional sports organization, five hundred thousand dollars.

(C) A mobile management services provider license shall be valid for a term of three years. In order to renew a mobile management services provider license, the licensee shall apply to the commission for a renewed license in the same manner as for an initial license.

(D) In order to permit a mobile management services provider to offer sports gaming on behalf of a type A sports gaming proprietor, the sports gaming proprietor and the mobile management services provider shall enter into a written contract that has been approved by the commission. If the sports gaming proprietor and the mobile management services provider wish to make a material change to the contract, the sports gaming proprietor first shall submit the change to the commission for its approval or rejection. The sports gaming proprietor or the mobile management services provider shall not assign, delegate, subcontract, or transfer the mobile management service provider's duties and responsibilities under the contract to a third party.

(E)(1) Subject to division (E)(2) of this section, the provisions of this chapter concerning a type A sports gaming proprietor apply to a mobile management services provider that contracts with the sports gaming proprietor with respect to all rights, duties, and liabilities of the sports gaming proprietor assigned, delegated, subcontracted, or transferred to the mobile management services provider as though the mobile management services provider were a type A sports gaming proprietor. Unless the context requires otherwise, references in the Revised Code to a sports gaming proprietor apply to a mobile management services provider to the extent that the mobile management services provider is acting on behalf of a type A sports gaming proprietor pursuant to the contract.

(2) Division (E)(1) of this section does not permit a mobile

management services provider to operate sports gaming other than pursuant to a contract with a type A sports gaming proprietor to operate sports gaming on behalf of the sports gaming proprietor.

(F) The commission shall adopt a rule setting a maximum number of contracts a mobile management services provider may have with type A sports gaming proprietors under this section at any one time.

Sec. 3775.051. (A)(1) A type B sports gaming proprietor may contract with one management services provider to offer sports gaming at a sports gaming facility on the sports gaming proprietor's behalf, in a manner authorized under the contract.

(2)(a) The holder of a type B sports gaming proprietor license that is a member of a league, association, or organization that prevents the holder from being subject to the regulatory control of the Ohio casino control commission or from otherwise operating under the license may contractually appoint a designee operator that is considered the management services provider for all aspects of commission oversight and operating under the license. The sports gaming proprietor shall not have control over the management services provider, and the management services provider shall not have control over the sports gaming proprietor, as determined by the commission under division (C) of section 3775.03 of the Revised Code.

(b) A sports gaming proprietor and a management services provider described in division (A)(2)(a) of this section shall not exchange any information that may compromise the integrity of sporting events or of sports gaming. The commission shall adopt by rule procedures for the sports gaming proprietor and the management services provider to follow to ensure the integrity of sporting events and of sports gaming, including procedures to prevent any exchange of information or conflict of interest between the sports gaming proprietor and the management services provider.

(3) A type C sports gaming proprietor shall not contract with a mobile management services provider or a management services provider to offer sports gaming under the type C sports gaming proprietor license on the sports gaming proprietor's behalf.

(4) A management services provider may offer sports gaming only in accordance with this chapter, with the rules adopted by the Ohio casino control commission under this chapter, and with the nature of the sports gaming proprietor's license.

(B)(1) A management services provider shall be licensed under this section before entering into a contract with a type B sports gaming proprietor as described in division (A) of this section. An applicant for an initial or renewed management services provider license shall meet all requirements for licensure established by the commission by rule and shall pay the fee required under division (C)(3) of section 109.572 of the Revised Code, along

with a nonrefundable application fee in an amount determined by the commission by rule.

(2) The commission may accept another jurisdiction's license, if the commission determines it has similar licensing requirements, as evidence that the applicant meets the requirements for a license issued under this section.

(3)(a) Upon receiving an initial management services provider license, the applicant shall pay a nonrefundable license fee of one hundred thousand dollars.

(b) Upon receiving a renewed management services provider license, the applicant shall pay a nonrefundable license fee of twenty-five thousand dollars.

(C) A management services provider license shall be valid for a term of three years. In order to renew a management services provider license, the licensee shall apply to the commission for a renewed license in the same manner as for an initial license.

(D) In order to permit a management services provider to offer sports gaming on behalf of a type B sports gaming proprietor, the sports gaming proprietor and the management services provider shall enter into a written contract that has been approved by the commission. If the sports gaming proprietor and the management services provider wish to make a material change to the contract, the sports gaming proprietor first shall submit the change to the commission for its approval or rejection. The sports gaming proprietor or the management services provider shall not assign, delegate, subcontract, or transfer the management service provider's duties and responsibilities under the contract to a third party.

(E)(1) Subject to division (E)(2) of this section, the provisions of this chapter concerning a type B sports gaming proprietor apply to a management services provider that contracts with the sports gaming proprietor with respect to all rights, duties, and liabilities of the sports gaming proprietor assigned, delegated, subcontracted, or transferred to the management services provider as though the management services provider were a type B sports gaming proprietor. Unless the context requires otherwise, references in the Revised Code to a sports gaming proprietor apply to a management services provider to the extent that the management services provider is acting on behalf of a type B sports gaming proprietor pursuant to the contract.

(2) Division (E)(1) of this section does not permit a management services provider to operate sports gaming other than pursuant to a contract with a type B sports gaming proprietor to operate sports gaming on behalf of the sports gaming proprietor.

(F) The commission shall adopt a rule setting a maximum number of contracts a management services provider may have with type B sports

gaming proprietors under this section at any one time.

Sec. 3775.06. (A)(1) An individual whose duties include any of the following shall hold an appropriate and valid sports gaming occupational license issued by the Ohio casino control commission at all times:

(a) Accepting wagers on sporting events on behalf of a sports gaming proprietor;

(b) Handling money as part of operating sports gaming on behalf of a sports gaming proprietor, including a cashier, change person, count team, or coin wrapper;

(c) Providing security for the operation of sports gaming by a sports gaming proprietor, including a guard or observer, other than providing general security at a type C sports gaming host's facility;

(d) Performing other duties such that the individual has the ability to alter material aspects of sports gaming conducted by a sports gaming proprietor.

(2) An individual is not required to have a sports gaming occupational license if the individual's duties are related solely to nongaming activities such as entertainment, maintenance, or preparing or serving food or beverages, including an individual who is, or is employed by, a type C sports gaming host.

(3) The commission shall issue a sports gaming occupational license to an individual who meets the requirements of this chapter and of the commission's rules, provided that the commission's rules shall not require an applicant for a sports gaming occupational license who currently holds a video lottery license issued under Chapter 3770. or a license issued under Chapter 3772. of the Revised Code to take action to satisfy any additional requirement for the sports gaming occupational license that is substantially similar to any requirement the applicant previously has satisfied in order to obtain or renew the applicant's video lottery license or license issued under Chapter 3772. of the Revised Code.

(B) A sports gaming occupational license permits the licensee to be employed in the capacity the commission designates during the duration of the license. The commission may establish by rule job classifications with different requirements.

(C)(1) An applicant for an initial or renewed sports gaming occupational license shall apply for the license on a form prescribed by the commission and shall pay the fee required under division (C)(3) of section 109.572 of the Revised Code, along with a nonrefundable application fee of one hundred dollars. The commission may annually increase the amount of the application fee in an amount that does not exceed the percentage increase in the consumer price index for the previous year, as necessary to cover the

cost of processing the application. As used in this division, "consumer price index" means the consumer price index for all urban consumers or its successive equivalent, as determined by the United States department of labor, bureau of labor statistics, or its successor in responsibility, for all items, Series A.

(2) Upon receiving an initial or renewed sports gaming occupational license, the applicant shall pay a nonrefundable license fee of fifty dollars.

(3) An applicant's employer may pay the fees described in divisions (C)(1) and (2) of this section on behalf of the applicant.

(D) The commission may adopt rules allowing an individual who holds a sports gaming occupational license from another jurisdiction to be licensed in this state by reciprocity, so long as that jurisdiction's requirements to receive that license and the activities authorized by the license are substantially similar to those of this state with respect to the license the individual seeks.

(E) A sports gaming occupational license shall be valid for a term of three years. In order to renew a sports gaming occupational license, the licensee shall apply to the commission for a renewed license in the same manner as for an initial license.

Sec. 3775.07. (A)(1) The owner of a facility with a D-1, D-2, or D-5 liquor permit issued under Chapter 4303. of the Revised Code who offers sports gaming through a type C sports gaming proprietor using self-service sports gaming terminals located at the facility shall hold an appropriate and valid type C sports gaming host license issued by the Ohio casino control commission at all times.

(2) The commission shall issue a type C sports gaming host license to a person or entity that meets the requirements of this chapter and of the commission's rules.

(B)(1) An applicant for an initial or renewed type C sports gaming host license shall apply for the license on a form prescribed by the commission and shall pay the fee required under division (C)(3) of section 109.572 of the Revised Code, along with a nonrefundable application fee in an amount prescribed by the commission by rule.

(2) The application shall identify the type C sports gaming proprietor through which the applicant intends to offer sports gaming.

(C) Upon receiving an initial or renewed type C sports gaming host license, the applicant shall pay a nonrefundable license fee of two thousand dollars.

(D)(1) Subject to division (D)(2) of this section, a type C sports gaming proprietor and a type C sports gaming host may enter into an agreement specifying the terms under which the type C sports gaming host

offers sports gaming through the type C sports gaming proprietor, such as terms requiring the type C sports gaming proprietor and the type C sports gaming host to share the proceeds of sports gaming conducted at the type C sports gaming host's facility.

(2) A type C sports gaming proprietor shall not require a type C sports gaming host or the state lottery commission to pay any portion of the cost of acquiring, installing, operating, adapting, or maintaining any self-service sports gaming terminal in a type C sports gaming host's facility.

(3) Subject to the terms of the type C sports gaming hosts's agreement with a type C sports gaming proprietor, a type C sports gaming host may offer sports gaming through a different type C sports gaming proprietor than the one identified in the type C sports gaming host's license application during the period of the license. The type C sports gaming host shall notify the commission of the change before the change takes effect, in accordance with the rules of the commission.

(E) A type C sports gaming host license shall be valid for a term of three years. In order to renew a type C sports gaming host license, the licensee shall apply to the commission for a renewed license in the same manner as for an initial license.

Sec. 3775.08. (A) A sports gaming supplier shall hold an appropriate and valid sports gaming supplier license issued by the Ohio casino control commission at all times. The commission may accept another jurisdiction's license, if the commission determines it has similar licensing requirements, as evidence that the applicant meets the requirements for a license issued under this section. The commission shall issue a sports gaming supplier license to a person or entity that meets the requirements of this chapter and of the commission's rules, provided that the commission's rules shall not require an applicant for a sports gaming supplier license who currently holds a video lottery license issued under Chapter 3770. or a license issued under Chapter 3772. of the Revised Code to take action to satisfy any additional requirement for the sports gaming supplier license that is substantially similar to any requirement the applicant previously has satisfied in order to obtain or renew the applicant's video lottery license or license issued under Chapter 3772. of the Revised Code.

(B) An applicant for an initial or renewed sports gaming supplier license shall apply for the license on a form prescribed by the commission and shall pay the fee required under division (C)(3) of section 109.572 of the Revised Code, along with a nonrefundable application fee of ten thousand dollars. The commission may annually increase the amount of the application fee in an amount that does not exceed the percentage increase in the consumer price index for the previous year, as necessary to cover the cost of processing the application. As used in this division, "consumer price index"

means the consumer price index for all urban consumers or its successive equivalent, as determined by the United States department of labor, bureau of labor statistics, or its successor in responsibility, for all items, Series A.

(C) Upon receiving an initial or renewed sports gaming supplier license, the applicant shall pay a nonrefundable license fee of fifteen thousand dollars.

(D) A sports gaming supplier license shall be valid for a term of three years. In order to renew a sports gaming supplier license, the licensee shall apply to the commission for a renewed license in the same manner as for an initial license.

Sec. 3775.09. (A) An applicant for a sports gaming license shall establish the applicant's suitability for the license by clear and convincing evidence.

(B) The Ohio casino control commission shall not grant a sports gaming license to an applicant if evidence satisfactory to the commission exists that the applicant has done any of the following:

(1) Knowingly made a false statement to the commission;

(2) Been suspended from operating a gambling game, gaming device, or gaming operation, or had a license revoked by any governmental unit of a national, state, or local body exercising governmental functions;

(3) Been convicted of a disqualifying offense, as defined in section 3772.07 of the Revised Code;

(4) Been directly involved in or employed by any offshore wagering market that illegally serviced the United States or otherwise accepted illegal wagers from individuals located in the United States on or after April 16, 2015.

(C) The commission may deny a sports gaming proprietor, mobile management services provider, or management services provider license to any applicant, reprimand any sports gaming proprietor, mobile management services provider, or management services provider, or suspend or revoke a sports gaming proprietor, mobile management services provider, or management services provider license if any of the following are true:

(1) The applicant or licensee has not demonstrated to the commission's satisfaction financial responsibility sufficient to adequately meet the requirements of the enterprise.

(2) The applicant or licensee is not the true owner of the business or is not the sole owner and has not disclosed the existence or identity of other persons who have an ownership interest in the business.

(3) The applicant or licensee is a corporation that sells more than five per cent of the corporation's voting stock, or more than five per cent of the

voting stock of a corporation that controls the corporation, or sells the corporation's assets, other than those bought and sold in the ordinary course of business, or any interest in the assets, to any person who, under division (C) of section 3775.03 of the Revised Code, must meet the qualifications of a sports gaming proprietor, mobile management services provider, or management services provider, as applicable, and who has not already been determined by the commission to have met the applicable qualifications.

(D)(1) The commission shall revoke a sports gaming proprietor license that was issued or renewed because of the preference described in division (A) of section 3775.041 of the Revised Code if the sports gaming proprietor ceases to qualify as a professional sports organization, if the casino operator ceases to be a casino operator, or if the video lottery sales agent ceases to be a video lottery sales agent, as applicable.

(2) The commission shall revoke a type C sports gaming host license if the licensee ceases to hold a valid class D liquor permit for the facility issued under Chapter 4303. of the Revised Code.

(E) The commission shall not grant a sports gaming license to any of the following persons:

- (1) A nonprofit corporation or organization;
- (2) An individual who is under twenty-one years of age;
- (3) An employee of the commission.

Sec. 3775.101. (A)(1) A sports governing body may submit a written notice to the Ohio casino control commission, on a form prescribed by the commission, that the sports governing body wishes to require sports gaming proprietors to use official league data to determine the outcomes of proposition bets on sporting events over which the sports governing body has ultimate authority. The commission may, by rule, require sports governing bodies to pay a fee or to meet other qualifications prescribed by the commission before submitting a notice under this division.

(2) A sports governing body that has submitted a notice to the commission under division (A)(1) of this section may submit a written revocation of the notice at any time, on a form prescribed by the commission.

(3) Not later than five days after receiving a notice or revocation from a sports governing body under division (A)(1) or (2) of this section, the commission shall transmit a copy of the notice to each sports gaming proprietor, along with an explanation of the requirements of this section.

(B)(1) Except as otherwise provided in division (B) of this section, beginning on the sixtieth day after a sports gaming proprietor receives a notice under division (A)(3) of this section, the sports gaming proprietor shall use official league data to determine the outcomes of proposition bets on sporting events that are subject to the notice.

(2) A sports gaming proprietor may begin using official league data later than the sixtieth day after the sports gaming proprietor receives the notice under division (A)(3) of this section pursuant to an agreement with the sports governing body.

(3) A sports gaming proprietor is not required to use official league data to determine the outcome of a proposition bet if any of the following apply:

(a) The appropriate sports governing body or its designee cannot provide the necessary official league data for that purpose.

(b) The commission has granted the sports gaming proprietor an exemption with respect to the appropriate sports governing body under division (C) of this section.

(c) The sports gaming proprietor's request for such an exemption is pending with the commission.

(C)(1) The commission may exempt a sports gaming proprietor from the requirements of division (B)(1) of this section with respect to a sports governing body if the sports gaming proprietor files a written request with the commission and demonstrates that the appropriate sports governing body or its designee does not make the official league data available to the sports gaming proprietor on commercially reasonable terms. For purposes of this section, a requirement that an agreement between a sports gaming proprietor and a sports governing body for the use of official league data be for a term of longer than two years is not commercially reasonable.

(2) The commission shall grant or deny the requested exemption not later than sixty days after the sports gaming proprietor files the request under division (C)(1) of this section.

(3) In determining whether a sports governing body or its designee makes official league data available to a sports gaming proprietor on commercially reasonable terms, the commission may consider any of the following factors, along with any other factor it considers appropriate:

(a) The quantity and quality of the official league data, including their accuracy and reliability and the speed with which they arrive, as compared to similar data available from other sources;

(b) The qualities and complexity of the process used to collect and distribute the official league data, as compared to similar data available from other sources;

(c) The availability of the official league data to the sports gaming proprietor and the terms under which they are available;

(d) Whether the official league data are available to the sports gaming proprietor from more than one authorized source;

(e) The price and other terms under which similar data are available to sports gaming proprietors in this state and in other jurisdictions;

(f) Whether sports gaming proprietors in this state or other jurisdictions have entered into agreements to receive the same or similar official league data on the same or similar terms, particularly in jurisdictions in which sports gaming proprietors are not required to use official league data or are required to do so only if they are available on commercially reasonable terms.

Sec. 3775.10. (A) A sports gaming proprietor shall do all of the following:

(1) Conduct all sports gaming activities and functions in a manner that does not pose a threat to the public health, safety, or welfare of the citizens of this state;

(2) Adopt comprehensive house rules for game play governing sports gaming transactions with its patrons, including rules that specify the amounts to be paid on winning wagers and the effect of schedule changes, and submit them to the Ohio casino control commission for approval before implementing them. The sports gaming proprietor shall publish its house rules as part of its minimum internal control standards, shall display the house rules, together with any other information the commission considers appropriate, conspicuously in each sports gaming facility and in any other place or manner prescribed by the commission, and shall make copies of its house rules readily available to patrons.

(3) Keep current in all payments and obligations to the commission;

(4) Provide a secure location for the placement, operation, and use of sports gaming equipment;

(5) Prevent any person from tampering with or interfering with the operation of sports gaming;

(6) Employ commercially reasonable methods to prevent the sports gaming proprietor and its agents and employees from disclosing any confidential information in the possession of the sports gaming proprietor that could affect the conduct of sports gaming;

(7) Maintain the confidentiality of any confidential information provided to the sports gaming proprietor by a sports governing body, except as otherwise required by law or by order of the commission;

(8) Ensure that sports gaming conducted at a sports gaming facility is within the sight and control of designated employees of the sports gaming proprietor and that sports gaming is conducted under continuous observation by security equipment in conformity with the specifications and requirements of the commission;

(9) Ensure that sports gaming occurs only in the locations and manner

approved by the commission;

(10) Ensure that all sports gaming is monitored in accordance with division (I) of section 3775.02 of the Revised Code;

(11) Use official league data as required under section 3775.101 of the Revised Code;

(12) Maintain sufficient funds and other supplies to conduct sports gaming at all times;

(13) Maintain daily records showing the sports gaming proprietor's sports gaming receipts and timely file with the commission any additional reports required by rule or by other provisions of the Revised Code;

(14) Withhold amounts from patrons' sports gaming winnings as required under sections 718.031, 3123.90, 3775.17, and 5747.063 of the Revised Code;

(15) Submit to the commission, each fiscal year, an audit of the sports gaming proprietor's financial transactions and the condition of the sports gaming proprietor's total operations prepared by a certified public accountant in accordance with generally accepted accounting principles and applicable state and federal laws.

(B) A sports gaming proprietor immediately shall report to the commission any information in the sports gaming proprietor's possession related to any of the following:

(1) Any wager in violation of this chapter or rules adopted under this chapter or of federal law;

(2) Abnormal sports gaming activity or patterns that may indicate a concern regarding the integrity of a sporting event;

(3) Suspicious wagering activities;

(4) Any conduct that corrupts a wagering outcome of a sporting event for purposes of financial gain;

(5) Any criminal or disciplinary proceedings commenced against the sports gaming proprietor by any person other than the commission in connection with the sports gaming proprietor's operations.

(C) A sports gaming proprietor may manage risk associated with wagers by rejecting or pooling one or more wagers or by laying off one or more wagers with another sports gaming proprietor.

(D) A sports gaming proprietor may employ a system that offsets loss or manages risk in the operation of sports gaming under this chapter through the use of a liquidity pool in another jurisdiction in which the sports gaming proprietor or an affiliate or other third party also holds licensure, provided that at all times adequate protections are maintained to ensure sufficient funds are available to pay patrons.

(E) A sports gaming proprietor may provide promotional gaming credits to patrons, subject to oversight by the commission.

(F) If a sports gaming patron does not claim a winning wager from a sports gaming proprietor within one year from the last day on which the sporting event is held, the sports gaming proprietor's obligation to pay the winnings shall expire, and the sports gaming proprietor shall remit the winnings to the commission, which shall deposit them in the sports gaming revenue fund.

(G) A sports gaming proprietor is not liable under the laws of this state to any party, including a patron, for disclosing information as required under this chapter or for refusing to disclose information that is not required by law to be disclosed.

Sec. 3775.11. (A) A type A sports gaming proprietor may operate one or more online sports pool web sites and accompanying mobile applications through which the sports gaming proprietor accepts wagers from individuals who are at least twenty-one years of age and who are physically located in this state. The sports gaming proprietor shall use location based technology to prohibit individuals who are not physically present in this state from participating in sports gaming through an online sports pool.

(B)(1) As used in division (B) of this section, "sports gaming account" means an electronic account that an individual may establish for the purpose of sports gaming, including making deposits and withdrawals, wagering amounts, and receiving payouts on winning wagers.

(2) A sports gaming proprietor may accept a wager from an individual through an online sports pool only using the individual's sports gaming account. The sports gaming account shall be in the individual's full legal name and shall not be in the name of any beneficiary, custodian, joint trust, corporation, partnership, or other organization or entity.

(3) A sports gaming account may be established and funded in person through employees or sales agents of a sports gaming proprietor or, pursuant to rules adopted by the Ohio casino control commission, over the internet through a sports gaming proprietor's web site or mobile application in a manner that complies with the sports gaming proprietor's internal controls.

(C) The server responsible for accepting wagers through an online sports pool shall be located in a secure facility in this state.

(D) An online sports pool web site and its accompanying mobile application shall include the name or logo of each of the following in a conspicuous manner:

(1) The type A sports gaming proprietor;

(2) The mobile management services provider that operates the online sports pool on behalf of the type A sports gaming proprietor, if applicable.

Sec. 3775.12. (A) A type B sports gaming proprietor may accept wagers on sporting events that are made in person only from individuals who are at least twenty-one years of age and who are physically present in a sports gaming facility.

(B)(1) Except as otherwise provided in division (B)(2) of this section, before accepting any wager on a sporting event, a type B sports gaming proprietor shall require the individual to register with the sports gaming proprietor, provide the individual's full legal name and any other information required by the Ohio casino control commission or requested by the sports gaming proprietor, and place all wagers on sporting events placed with the sports gaming proprietor through that registration.

(2) A type B sports gaming proprietor may accept an anonymous wager from an individual, so long as the amount of the wager does not exceed a dollar limit determined by the commission by rule.

(C) Except as provided in divisions (C)(1) and (2) of this section, no individual who is under twenty-one years of age shall enter a sports gaming facility.

(1) An employee of a sports gaming proprietor who is eighteen, nineteen, or twenty years of age may be present in a sports gaming facility, so long as the employee's duties are not related to sports gaming.

(2) An individual who is under twenty-one years of age may enter a sports gaming facility in order to pass to another area where sports gaming is not being conducted, but only if the individual is personally escorted by an employee of the sports gaming proprietor who remains in close proximity to the individual at all times in accordance with the rules of the commission.

Sec. 3775.13. (A) A type C sports gaming proprietor may accept wagers on sporting events that are made in person through self-service sports gaming terminals located at one or more type C sports gaming hosts' facilities only from individuals who are at least twenty-one years of age and who are physically present in the facility.

(B) All of the following apply concerning self-service sports gaming terminals operated by a type C sports gaming proprietor:

(1) No more than two terminals shall be located in any type C sports gaming host's facility.

(2) If individuals who are under twenty-one years of age may be present in the type C sports gaming host's facility, all terminals shall be located within an area of the facility with clearly marked boundaries designed to prevent those individuals from entering the area, in accordance with the rules of the commission.

(3) A terminal may offer only spread, over-under, and moneyline wagering on sporting events, as approved by the Ohio casino control

commission.

(4) A terminal shall not accept cash wagers, and shall accept wagers only by credit card, debit card, or electronic payment account.

(5) A terminal shall not accept wagers aggregating more than two hundred dollars in a day that are paid using the same credit card, debit card, or electronic payment account.

(6) The type C sports gaming proprietor shall pay out all winnings to patrons on wagers made through a terminal through the patron's credit card, debit card, or electronic payment account, without involving the type C sports gaming host in any financial transaction.

(C)(1) The state lottery commission, in consultation with the Ohio casino control commission and in accordance with the rules of the Ohio casino control commission, shall work with type C sports gaming proprietors and type C sports gaming hosts to implement and promote sports gaming conducted under this section. The state lottery commission may adopt rules under Chapter 119. of the Revised Code for that purpose.

(2) A type C sports gaming proprietor may adapt existing self-service lottery terminals owned or operated by the sports gaming proprietor also to serve as self-service sports gaming terminals under this section, subject to the rules of the Ohio casino control commission and any applicable rules adopted by the state lottery commission under division (C)(1) of this section.

Sec. 3775.14. (A) The Ohio casino control commission may exclude any individual from entering a sports gaming facility or the grounds of a sports gaming facility or from participating in the play or operation of sports gaming conducted by a sports gaming proprietor. The commission shall keep a list of all excluded individuals and shall make that list available to each sports gaming proprietor. No individual who is on the Ohio casino control commission's exclusion list shall enter a sports gaming facility or the grounds of a sports gaming facility or participate in the play or operation of sports gaming conducted by a sports gaming proprietor. A sports gaming proprietor shall employ commercially reasonable methods to prevent an individual who is on the commission's exclusion list from engaging in sports gaming conducted by the sports gaming proprietor.

(B)(1) A sports gaming proprietor may exclude any individual from entering a sports gaming facility, or the grounds of a sports gaming facility, that is under the control of the sports gaming proprietor and may exclude any individual from participating in the play or operation of sports gaming conducted by the sports gaming proprietor. The sports gaming proprietor shall keep a list of all excluded individuals. No individual who is on a sports gaming proprietor's exclusion list shall enter a sports gaming facility, or the grounds of a sports gaming facility, that is under the control of the sports gaming proprietor or participate in the play or operation of sports gaming

conducted by the sports gaming proprietor under this chapter.

(2) If a sports gaming proprietor excludes an individual because the sports gaming proprietor determines that the individual engaged or attempted to engage in any sports gaming related activity that is prohibited under this chapter or under the commission's rules, the sports gaming proprietor shall report that fact to the Ohio casino control commission.

(C) No person who is on the voluntary exclusion list described in section 3772.01 of the Revised Code shall participate in the play or operation of sports gaming conducted by a sports gaming proprietor. A sports gaming proprietor shall employ commercially reasonable methods to prevent the person from engaging in sports gaming conducted by the sports gaming proprietor.

(D) No sports gaming proprietor, no director, officer, agent, or employee of a sports gaming proprietor, no other person who has a financial interest in a sports gaming proprietor, and no person living in the same household as any of those persons, shall engage in any sports gaming conducted by the sports gaming proprietor, other than as part of operating sports gaming or as part of the employee's employment. A sports gaming proprietor shall employ commercially reasonable methods to prevent those persons, and any other person who has access to confidential information held by the sports gaming proprietor, from engaging in sports gaming conducted by the sports gaming proprietor.

(E) No member or employee of the Ohio casino control commission shall knowingly participate in sports gaming conducted by a sports gaming proprietor in this state or participate in sports gaming with any person or entity located outside this state that is directly or indirectly owned or operated by a sports gaming proprietor. A sports gaming proprietor shall employ commercially reasonable methods to prevent such a person from engaging in sports gaming conducted by the sports gaming proprietor.

(F)(1) A sports gaming proprietor shall employ commercially reasonable methods to prevent any person involved in a sporting event with respect to which sports gaming is permitted from engaging in any sports gaming with the sports gaming proprietor, based on publicly available information and any information provided by a sports governing body under division (F)(2) of this section.

(2) The Ohio casino control commission shall adopt rules specifying a procedure for a sports governing body to provide to the commission a list of persons who are involved in sporting events, including those persons' full legal names, dates of birth, and social security numbers, for the purpose of preventing those persons from engaging in sports gaming. The commission shall make the list available to each sports gaming proprietor. The Ohio casino control commission and each sports gaming proprietor shall keep the

information in the list confidential.

(3) For purposes of division (F) of this section, a person is considered to be involved in a sporting event if the person is an athlete, participant, coach, referee, team owner, or sports governing body with respect to the sporting event; any agent or employee of such an athlete, participant, coach, referee, team owner, or sports governing body; and any agent or employee of an athlete, participant, or referee union with respect to the sporting event.

(G) A sports gaming proprietor shall employ commercially reasonable methods to prevent any person from placing a wager with the sports gaming proprietor on behalf of another person.

Sec. 3775.15. (A) Notwithstanding any contrary provision of section 149.43 of the Revised Code, the Ohio casino control commission shall not disclose to the public any of the following:

(1) Any of the following information or documents concerning a person who has applied for or been issued a license under this chapter or the person's spouse, dependent, or employee, unless the person authorizes the commission to disclose the information:

(a) A social security number, passport number, or federal tax identification number;

(b) A home address, telephone number, or electronic mail address;

(c) A birth certificate;

(d) A driver's license or state identification card number;

(e) The name or address of a previous spouse;

(f) A date or place of birth;

(g) Any personal financial information or records, including personal tax returns and information and records of criminal proceedings;

(h) Any information concerning a minor child;

(i) Any information concerning a person the commission has reason to know is a victim of domestic violence, sexual assault, or stalking;

(j) Any trade secret, medical records, or patents or exclusive licenses;

(k) Security information, including risk prevention plans, detection and countermeasures, location of count rooms or other money storage areas, emergency management plans, security and surveillance plans, equipment and usage protocols, and theft and fraud prevention plans and countermeasures;

(l) Any other information that the commission receives from another jurisdiction relating to an applicant who holds, held, or has applied for a license under this chapter.

(2) Any information in a list provided to the commission by a sports

governing body under division (F)(2) of section 3775.14 of the Revised Code.

(B) Except as otherwise provided in division (A) of this section, all of the following information is subject to disclosure as a public record under section 149.43 of the Revised Code:

(1) The information a sports gaming proprietor or an applicant for a sports gaming proprietor, mobile management services provider, or management services provider license has submitted to the commission as part of applying for or renewing a sports gaming proprietor, mobile management services provider, or management services provider license;

(2) The name, place of employment, job title, and gaming experience of a person who has applied for or been issued a license under this chapter;

(3) The commission's reasons for denying or revoking a license under this chapter or for taking other disciplinary action under this chapter.

(C) Division (A) of this section does not prohibit the commission from disclosing information and documents described in that division to the state lottery commission or to the inspector general, a prosecuting authority, a law enforcement agency, or any other appropriate governmental entity or licensing agency, provided that the recipient shall not disclose the information and documents to the public.

Sec. 3775.16. (A) All shipments of gambling devices, including any sports gaming equipment, to sports gaming proprietors, mobile management services providers, management services providers, sports gaming suppliers, or type C sports gaming hosts in this state are legal shipments of gambling devices into this state, as long as the supplier has completed the registering, recording, and labeling of the equipment in accordance with the "Gambling Devices Act of 1962," 15 U.S.C. 1171 to 1178.

(B) This state is exempt from section 2 of the "Gambling Devices Act of 1962," 15 U.S.C. 1172.

Sec. 3775.17. (A) Pursuant to section 131.02 of the Revised Code, the attorney general shall develop and implement a real time data match program and make it available to each sports gaming proprietor to identify patrons who owe amounts to the state or a political subdivision.

(B)(1) Before disbursing any sports gaming winnings to a patron in an amount for which reporting to the internal revenue service of the amount is required under the Internal Revenue Code, as amended, a sports gaming proprietor shall consult the data match program to determine whether the patron owes any amounts to the state or a political subdivision. If the data match program indicates that the patron owes any amounts to the state or a political subdivision, the sports gaming proprietor shall withhold from the patron's winnings an amount sufficient to satisfy those amounts, up to the

amount of the winnings.

(2) If the data match program described in section 3123.90 of the Revised Code indicates that the patron also is in default under a support order, the sports gaming proprietor shall transmit to the department of job and family services an amount sufficient to satisfy any past due support owed by the patron, up to the amount of the winnings, before transmitting any remaining amount to the attorney general under division (C) of this section.

(C)(1) Not later than fourteen days after withholding an amount under division (B) of this section, the sports gaming proprietor shall transmit to the attorney general any amount withheld and not already disbursed to the department of job and family services under section 3123.90 of the Revised Code as payment on the amount owed.

(2) If the patron owes more than one amount to the state or a political subdivision as identified by the data match program described in this section, the amount owed to the state shall be satisfied first, except that any amounts owed under section 5739.33 and division (G) of section 5747.07 of the Revised Code shall have first priority.

(D) Except as otherwise provided in section 131.021 of the Revised Code, this section applies only to amounts owed that have become final.

(E) The attorney general, in consultation with the commission, may adopt rules under Chapter 119. of the Revised Code as necessary to implement this section.

Sec. 3775.99. (A) Whoever knowingly does any of the following commits a misdemeanor of the first degree on the first offense and a felony of the fifth degree on a subsequent offense:

(1) Makes a false statement on an application submitted under this chapter;

(2) Permits an individual under twenty-one years of age to engage in sports gaming;

(3) Aids, induces, or causes an individual under twenty-one years of age who is not an employee of the sports gaming proprietor to enter or attempt to enter a sports gaming facility;

(4) Enters or attempts to enter a sports gaming facility while under twenty-one years of age, except as permitted under division (C) of section 3775.12 of the Revised Code;

(5) Participates in sports gaming in violation of division (D) of section 3775.14 of the Revised Code, other than as part of operating sports gaming or as part of the employee's employment.

(B) Whoever knowingly does any of the following commits a felony of the fifth degree on a first offense and a felony of the fourth degree on a

subsequent offense. If the person is a sports gaming licensee under this chapter, the Ohio casino control commission shall revoke the person's license issued under this chapter after the first offense.

(1) Offers, promises, or gives anything of value to anyone for the purpose of influencing the outcome of a sporting event or attempts to do so;

(2) Places, increases, or decreases a wager after acquiring knowledge not available to the general public that anyone has been offered, promised, or given anything of value for the purpose of influencing the outcome of the sporting event upon which the wager is placed, increased, or decreased, or attempts to do so;

(3) Manufactures, sells, or distributes any device that is intended by that person to be used to violate any provision of this chapter or the sports gaming laws of any other state;

(4) Places a bet or aids any other person in placing a bet on a sporting event after unlawfully acquiring knowledge of the outcome on which winnings from that bet are contingent;

(5) Claims, collects, or takes anything of value from a sports gaming proprietor with intent to defraud or attempts to do so without having made a wager in which the amount or value is legitimately won or owed;

(6) Places a wager using counterfeit currency or other counterfeit form of credit approved for wagering;

(7) Possesses any device intended to be used to violate this chapter or any rule adopted under this chapter, or any materials used to manufacture such a device. This division does not apply to a sports gaming proprietor or to an agent or employee of a sports gaming proprietor who is acting in furtherance of the sports gaming proprietor's interest.

(8) Changes or alters the normal outcome of any sports gaming conducted through an online sports pool, including any system used to monitor the online sports pool, or the way in which the outcome is reported to any patron;

(9) Operates sports gaming in a manner other than the manner required under this chapter. Premises or any internet web site used or occupied in violation of this division constitute a nuisance subject to abatement under Chapter 3767. of the Revised Code.

(C) Whoever knowingly does any of the following commits a felony of the third degree. If the person is a sports gaming licensee under this chapter, the commission shall revoke the person's license issued under this chapter after the first offense. If the person is a public servant or political party official, the person is forever disqualified from holding any public office, employment, or position of trust in this state.

(1) Offers, promises, or gives anything of value or benefit to a person

who is connected with a sports gaming proprietor, an agent or employee of a sports gaming proprietor, or a member, agent, or employee of the Ohio casino control commission, under an agreement to influence, or with the intent to influence, the actions of the person to whom the offer, promise, or gift is made in order to affect or attempt to affect the outcome of sports gaming or an official action of a member, agent, or employee of the Ohio casino control commission;

(2) Solicits, accepts, or receives a promise of anything of value or benefit while the person is connected with a sports gaming proprietor, an agent or employee of a sports gaming proprietor, or a member, agent, or employee of the Ohio casino control commission, under an agreement to influence, or with the intent to influence, the actions of the person to affect or attempt to affect the outcome of sports gaming or an official action of a member, agent, or employee of the Ohio casino control commission.

(D) Whoever knowingly does any of the following while participating in sports gaming or otherwise transacting with a sports gaming proprietor as permitted under this chapter or Chapter 3770. of the Revised Code commits a felony of the fifth degree on a first offense and a felony of the fourth degree on a subsequent offense:

(1) Causes or attempts to cause a sports gaming proprietor to fail to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, or to fail to file a report or maintain a record required by an order issued under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508;

(2) Causes or attempts to cause a sports gaming proprietor to file a report under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, to file a report or to maintain a record required by any order issued under 31 U.S.C. 3126, or to maintain a record required under any regulation prescribed under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508 that contains a material omission or misstatement of fact;

(3) With one or more sports gaming proprietors, structures a transaction, is complicit in structuring a transaction, attempts to structure a transaction, or is complicit in an attempt to structure a transaction. As used in this division:

(a) To be "complicit" means to engage in any conduct of a type described in divisions (A)(1) to (4) of section 2923.03 of the Revised Code.

(b) "Structure a transaction" has the same meaning as in section 1315.51 of the Revised Code.

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to

the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A)(7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the auditor of state.

(2) For purposes of an internal audit pursuant to section 126.45 of the Revised Code, the officers and employees of the office of internal audit in the office of budget and management charged with directing the internal audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the office of internal audit.

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal audit solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(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;

(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;

(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;

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;

(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;

(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, direct payment permit, or seller's use tax account;

(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;

(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;

(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;

(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;

(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;

(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.

(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a casino operator's or sports gaming proprietor's compliance with section 5747.063-~~or~~ 5753.02, or 5753.021 of the Revised Code and sections related thereto;

(15) Disclosing to the state lottery commission information in the possession of the department of taxation that is necessary to verify a lottery sales agent's compliance with section 5747.064 of the Revised Code.

(16) Disclosing to the development services agency information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the development services agency for the purpose of evaluating potential tax credits, grants, or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No officer, employee, or agent of the development services agency shall disclose any information provided to the development services agency by the department of taxation under division (C)(16) of this section except when disclosure of the information is necessary for, and made solely for the purpose of facilitating, the evaluation of potential tax credits, grants, or loans.

(17) Disclosing to the department of insurance information in the possession of the department of taxation that is necessary to ensure a taxpayer's compliance with the requirements with any tax credit administered by the development services agency and claimed by the taxpayer against any tax administered by the superintendent of insurance. No officer, employee, or agent of the department of insurance shall disclose any information provided to the department of insurance by the department of taxation under division (C)(17) of this section.

(18) Disclosing to the division of liquor control information in the

possession of the department of taxation that is necessary for the division and department to comply with the requirements of sections 4303.26 and 4303.271 of the Revised Code.

(19) Disclosing to the department of education, upon that department's request, information in the possession of the department of taxation that is necessary only to verify whether the family income of a student applying for or receiving a scholarship under the educational choice scholarship pilot program is equal to, less than, or greater than the income thresholds prescribed by section 3310.02 or 3310.032 of the Revised Code. The department of education shall provide sufficient information about the student and the student's family to enable the department of taxation to make the verification.

(20) Disclosing to the Ohio rail development commission information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the commission for the purpose of evaluating potential grants or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No member, officer, employee, or agent of the Ohio rail development commission shall disclose any information provided to the commission by the department of taxation under division (C)(20) of this section except when disclosure of the information is necessary for, and made solely for the purpose of facilitating, the evaluation of potential grants or loans.

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, and estate earning or receiving winnings on casino or sports gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured as prescribed in divisions (A)(1) to (4) of this section.

(1) In the case of trusts, the tax imposed by this section shall be measured by modified Ohio taxable income under division (D) of this section and levied in the same amount as the tax is imposed on estates as prescribed in division (A)(2) of this section.

(2) In the case of estates, the tax imposed by this section shall be measured by Ohio taxable income. The tax shall be levied at the rate of one

and forty-two thousand seven hundred forty-four hundred-thousandths per cent for the first twenty-one thousand seven hundred fifty dollars of such income and, for income in excess of that amount, the tax shall be levied at the same rates prescribed in division (A)(3) of this section for individuals.

(3) In the case of individuals, the tax imposed by this section on income other than taxable business income shall be measured by Ohio adjusted gross income, less taxable business income and less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code. If the balance thus obtained is equal to or less than twenty-one thousand seven hundred fifty dollars, no tax shall be imposed on that balance. If the balance thus obtained is greater than twenty-one thousand seven hundred fifty dollars, the tax is hereby levied as follows:

	1	2
A	OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS) OR OHIO TAXABLE INCOME (ESTATES)	TAX
B	More than \$21,750 but not more than \$43,450	\$310.47 plus 2.850% of the amount in excess of \$21,750
C	More than \$43,450 but not more than \$86,900	\$928.92 plus 3.326% of the amount in excess of \$43,450
D	More than \$86,900 but not more than \$108,700	\$2,374.07 plus 3.802% of the amount in excess of \$86,900
E	More than \$108,700 but not more than \$217,400	\$3,202.91 plus 4.413% of the amount in excess of \$108,700

F More than \$217,400 \$7,999.84 plus 4.797% of the amount
in excess of \$217,400

(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 year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. To recompute the tax dollar amount corresponding to the lowest tax rate in division (A)(3) of this section, the commissioner shall multiply the tax rate prescribed in division (A)(2) of this section by the income amount specified in that division and as adjusted according to this paragraph. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.

(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under divisions (A)(1) to (3) of this section shall be reduced by the percentage prescribed in that certification for taxable years beginning in the calendar year in which that certification is made.

(C)(1) The tax imposed by this section on a trust shall be computed

by multiplying the Ohio modified taxable income of the trust by the rates prescribed by division (A) of this section.

(2) A resident trust may claim a credit against the tax computed under division (C) of this section equal to the lesser of (a) the tax paid to another state or the District of Columbia on the resident trust's modified nonbusiness income, other than the portion of the resident trust's nonbusiness income that is qualifying investment income as defined in section 5747.012 of the Revised Code, or (b) the effective tax rate, based on modified Ohio taxable income, multiplied by the resident trust's modified nonbusiness income other than the portion of the resident trust's nonbusiness income that is qualifying investment income. The credit applies before any other applicable credits.

(3) Any credit authorized against the tax imposed by this section applies to a trust subject to division (C) of this section only if the trust otherwise qualifies for the credit. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

(D) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

(E) Nothing in division (A)(3) of this section shall prohibit an individual with an Ohio adjusted gross income, less taxable business income and exemptions, of twenty-one thousand seven hundred fifty dollars or less from filing a return under this chapter to receive a refund of taxes withheld or to claim any refundable credit allowed under this chapter.

Sec. 5747.062. As used in this section, "transferee" has the same meaning as in section 3770.10 of the Revised Code, and "recipient" includes a transferee.

(A)(1) ~~The~~ Before making any other deduction required by Chapter 3770. of the Revised Code, the state lottery commission shall deduct and withhold an amount equal to four per cent of the payment from each lottery prize award payment that exceeds five thousand dollars an amount equal to four per cent of the payment, prior to making any other reduction required by Chapter 3770. of the Revised Code is of an amount for which reporting to the

internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended.

(2) On or before the tenth day of each month, the state lottery commission, and each transferee required to deduct and withhold amounts pursuant to section 3770.072 of the Revised Code, shall file a return and remit to the tax commissioner all amounts deducted and withheld pursuant to this section during the preceding month.

(3) On or before the thirty-first day of January of each year, the state lottery commission, and each transferee required to deduct and withhold amounts pursuant to section 3770.072 of the Revised Code, shall file with the commissioner an annual return, in the form prescribed by the tax commissioner, indicating the total amount deducted and withheld pursuant to this section or section 3770.072 of the Revised Code during the preceding calendar year. At the time of filing that return, the state lottery commission or transferee shall remit any amount deducted and withheld during the preceding calendar year that was not previously remitted.

(4) The state lottery commission, and each transferee required to deduct and withhold amounts pursuant to section 3770.072 of the Revised Code, shall issue to each person with respect to whom tax has been deducted and withheld by the commission or transferee pursuant to this section or section 3770.072 of the Revised Code during the preceding calendar year, an information return in the form prescribed by the commissioner.

(B)(1) Division (B)(1) of this section does not apply to persons classified for federal income tax purposes as associations taxable as corporations.

Amounts withheld pursuant to this section or section 3770.072 of the Revised Code shall be allowed as a credit against payment of the tax imposed pursuant to section 5747.02 of the Revised Code upon the lottery prize award recipient, upon a beneficiary of such a recipient, or upon any investor in such a recipient if the recipient is a pass-through entity or disregarded entity, and shall be treated as taxes paid by the recipient, beneficiary, or investor for purposes of section 5747.09 of the Revised Code. The credit is available to the recipient, beneficiary, or investor even if the commission or transferee does not remit to the tax commissioner the amount withheld.

(2) Division (B)(2) of this section applies only to persons classified for federal income tax purposes as associations taxable as corporations.

Amounts withheld pursuant to this section or section 3770.072 of the Revised Code shall be treated as a credit against the tax imposed pursuant to section 5733.06 of the Revised Code for the tax year immediately following the date on which those amounts are deducted and withheld, upon the lottery prize award recipient, upon a beneficiary of such a recipient, or upon an investor in such a recipient if the recipient is a pass-through entity or

disregarded entity, and shall be treated as paid by the recipient, beneficiary, or investor on the date on which those amounts are deducted and withheld. The credit is a refundable credit and shall be claimed in the order required under section 5733.98 of the Revised Code. The credit is available to the recipient, beneficiary, or investor even if the commission or transferee does not remit to the tax commissioner the amount withheld.

(3) Nothing in division (B)(1) or (2) of this section shall be construed to allow more than one person to claim the credit for any portion of each amount deducted and withheld.

(C) Failure of the commission or any transferee to deduct and withhold the required amounts from lottery prize awards or to remit amounts withheld as required by this section and section 3770.072 of the Revised Code shall not relieve a taxpayer described in division (B) of this section from liability for the tax imposed by section 5733.06 or 5747.02 of the Revised Code.

Sec. 5747.063. The requirements imposed under this section are in addition to the municipal income tax withholding requirements under section 718.031 of the Revised Code. As used in this section, "sports gaming proprietor" and "sports gaming facility" have the same meanings as in section 3775.01 of the Revised Code.

(A)(1) If a person's winnings ~~at a from~~ casino facility gaming or from sports gaming are an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, ~~the a~~ casino operator or sports gaming proprietor shall deduct and withhold Ohio income tax from the person's winnings at a rate of four per cent of the amount won. A person's amount of winnings from casino gaming shall be determined each time the person exchanges amounts won in tokens, chips, casino credit, or other prepaid representations of value for cash or a cash equivalent. The casino operator or sports gaming proprietor shall issue, to a person from whose winnings an amount has been deducted and withheld, a receipt for the amount deducted and withheld, and also shall obtain from the person additional information that will be necessary for the casino operator or sports gaming proprietor to prepare the returns required by this section.

(2) If a person's winnings ~~at a from~~ casino facility gaming or sports gaming require reporting to the internal revenue service under division (A)(1) of this section, the casino operator or sports gaming proprietor also shall require the person to state in writing, under penalty of falsification, whether the person is in default under a support order.

(B) Amounts deducted and withheld by a casino operator or sports gaming proprietor are held in trust for the benefit of the state.

(1) On or before the tenth day of each month, the casino operator

shall file a return electronically with the tax commissioner identifying the persons from whose winnings amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the winnings from which each such amount was withheld, the type of casino gaming or sports gaming that resulted in such winnings, and any other information required by the tax commissioner. With the return, the casino operator or sports gaming proprietor shall remit electronically to the commissioner all the amounts deducted and withheld during the preceding month.

(2)(a) A casino operator or sports gaming proprietor shall maintain a record of each written statement provided under division (A)(2) of this section in which a person admits to being in default under a support order. The casino operator or sports gaming proprietor shall make these records available to the director of job and family services upon request.

(b) A casino operator or sports gaming proprietor shall maintain copies of receipts issued under division (A)(1) of this section and of written statements provided under division (A)(2) of this section and shall make these copies available to the tax commissioner upon request.

(c) A casino operator or sports gaming proprietor shall maintain the information described in divisions (B)(2)(a) and (b) of this section in accordance with section 5747.17 of the Revised Code and any rules adopted pursuant thereto.

(3) Annually, on or before the thirty-first day of January, a casino operator or sports gaming proprietor shall file an annual return electronically with the tax commissioner indicating the total amount deducted and withheld during the preceding calendar year. The casino operator or sports gaming proprietor shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the identity of a person and the amount deducted and withheld with respect to that person were omitted on a monthly return, that information shall be indicated on the annual return.

(4)(a) A casino operator or sports gaming proprietor who fails to file a return and remit the amounts deducted and withheld is personally liable for the amount deducted and withheld and not remitted. The commissioner may impose a penalty up to one thousand dollars if a return is filed late, if amounts deducted and withheld are remitted late, if a return is not filed, or if amounts deducted and withheld are not remitted. Interest accrues on past due amounts deducted and withheld at the rate prescribed in section 5703.47 of the Revised Code. The commissioner may collect past due amounts deducted and withheld and penalties and interest thereon by assessment under section 5747.13 of the Revised Code as if they were income taxes collected by an employer.

(b) If a casino operator or sports gaming proprietor sells the casino facility or sports gaming facility, or otherwise quits the casino or sports gaming business, the amounts deducted and withheld and any penalties and interest thereon are immediately due and payable. The successor shall withhold an amount of the purchase money that is sufficient to cover the amounts deducted and withheld and penalties and interest thereon until the predecessor casino operator or sports gaming proprietor produces either a receipt from the commissioner showing that the amounts deducted and withheld and penalties and interest thereon have been paid or a certificate from the commissioner indicating that no amounts deducted and withheld or penalties and interest thereon are due. If the successor fails to withhold purchase money, the successor is personally liable for payment of the amounts deducted and withheld and penalties and interest thereon, up to the amount of the purchase money.

(C)(1) Annually, on or before the thirty-first day of January, a casino operator or sports gaming proprietor shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount deducted from the person's winnings by the casino operator or sports gaming proprietor during the preceding calendar year.

(2) Annually, on or before the thirty-first day of January, a casino operator or sports gaming proprietor shall provide to the commissioner a copy of each information return issued under division (C)(1) of this section for the preceding calendar year. The commissioner may require that the copies be transmitted electronically.

(D) Amounts deducted and withheld shall be allowed as a credit against payment of the tax imposed by section 5747.02 of the Revised Code and shall be treated as taxes paid for purposes of section 5747.09 of the Revised Code. This division applies only to the person for whom the amount is deducted and withheld.

(E) The failure of a casino operator or sports gaming proprietor to deduct and withhold the required amount from a person's winnings does not relieve the person from liability for the tax imposed by section 5747.02 of the Revised Code with respect to those winnings. And compliance with this section does not relieve a casino operator or sports gaming proprietor or a person who has winnings ~~at a~~ from casino facility gaming or sports gaming from compliance with relevant provisions of federal tax laws.

(F) The commissioner shall prescribe the form of the receipt and returns required by this section. The director of job and family services shall prescribe the form of the statement required by this section.

(G) The commissioner may adopt rules that are necessary to administer this section.

Sec. 5747.08. An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under division (E) of section 5747.05 and divisions (F) and (G) of section 5747.055 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised Code.

(A) If an individual is deceased, any return or notice required of that individual under this chapter shall be made and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(B) If an individual is unable to make a return or notice required by this chapter, the return or notice required of that individual shall be made and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust.

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current,

future, or contingent beneficiary of the trust is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(ii) A pass-through entity shall not include in such a single return any investor that is itself a pass-through entity to the extent that any direct or indirect investor in the second pass-through entity is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(c) Nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02, 5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section precludes such an investor from filing the annual return under this section, utilizing the refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor under division (I) of this section, and making the payment of taxes imposed under section 5747.02 of the Revised Code. Nothing in division (D) of this section shall be construed to provide to such an investor or pass-through entity any additional deduction or credit, other than the credit provided by division (I) of this section, solely on account of the entity's filing a return in accordance with this section. Such a pass-through entity also shall make the filing and payment of estimated taxes on behalf of the pass-through entity investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(2) For the purposes of this section, "business credits" means the credits listed in section 5747.98 of the Revised Code excluding the following credits:

(a) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(b) The senior citizen credit under division (F) of section 5747.055 of the Revised Code;

(c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;

(d) The dependent care credit under section 5747.054 of the Revised Code;

(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;

(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;

(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;

(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;

(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;

(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;

(m) The earned income tax credit under section 5747.71 of the Revised Code;

(n) The lead abatement credit under section 5747.26 of the Revised Code.

(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.

(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 would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's findings. Nothing in division (D) of this section shall be construed to make or hold a pass-through entity liable for tax attributable to a pass-through entity investor's income from a source other than the pass-through entity electing to file the single return.

(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and

either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form.

Upon good cause shown, the commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the extension results in an extension of time for the payment of any state or school district income tax liability with respect to which the return is filed, the taxpayer shall pay at the time the tax liability is paid an amount of interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that liability from the time that payment is due without extension to the time of actual payment. Except as provided in section 5747.132 of the Revised Code, in addition to all other interest charges and penalties, all taxes imposed under this chapter or Chapter 5748. of the Revised Code and remaining unpaid after they become due, except combined amounts due of one dollar or less, bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code until paid or until the day an assessment is issued under section 5747.13 of the Revised Code, whichever occurs first.

If the commissioner considers it necessary in order to ensure the payment of the tax imposed by section 5747.02 of the Revised Code or any tax imposed under Chapter 5748. of the Revised Code, the commissioner may require returns and payments to be made otherwise than as provided in this section.

To the extent that any provision in this division conflicts with any provision in section 5747.026 of the Revised Code, the provision in that section prevails.

(H) The amounts withheld by an employer pursuant to section

5747.06 of the Revised Code, a casino operator or sports gaming proprietor pursuant to section 5747.063 of the Revised Code, or a lottery sales agent pursuant to section 5747.064 of the Revised Code shall be allowed to the recipient of the compensation, casino or sports gaming winnings, or lottery prize award as credits against payment of the appropriate taxes imposed on the recipient by section 5747.02 and under Chapter 5748. of the Revised Code.

(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 accompanying the return shall indicate that by checking the box the taxpayer authorizes the department of taxation to contact the preparer concerning questions that arise during the processing of the return and authorizes the preparer only to provide the department with information that is missing from the return, to contact the department for information about the processing of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the department and has shown to the preparer.

(K) The tax commissioner shall permit individual taxpayers to instruct the department of taxation to cause any refund of overpaid taxes to be deposited directly into a checking account, savings account, or an individual retirement account or individual retirement annuity, or preexisting college savings plan or program account offered by the Ohio tuition trust authority under Chapter 3334. of the Revised Code, as designated by the taxpayer, when the taxpayer files the annual return required by this section electronically.

(L) A taxpayer claiming the deduction under division (A)(31) of

section 5747.01 of the Revised Code for a taxable year shall indicate on the taxpayer's return the north American industry classification system code of each business or professional activity from which the taxpayer's business income was derived. The tax commissioner shall provide space on the return for this purpose and shall prescribe, by rule adopted in accordance with Chapter 119. of the Revised Code, the manner by which such a taxpayer shall determine the taxpayer's proper classification codes and business or professional activities from which the taxpayer derives business income.

(M) The tax commissioner may adopt rules to administer this section.

Sec. 5747.20. This section applies solely for the purposes of computing the credit allowed under division (A) of section 5747.05 of the Revised Code and computing income taxable in this state under division (D) of section 5747.08 of the Revised Code.

All items of nonbusiness income or deduction shall be allocated in this state as follows:

(A) All items of nonbusiness income or deduction taken into account in the computation of adjusted gross income for the taxable year by a resident shall be allocated to this state.

(B) All items of nonbusiness income or deduction taken into account in the computation of adjusted gross income for the taxable year by a nonresident shall be allocated to this state as follows:

(1) All items of compensation paid to an individual for personal services performed in this state who was a nonresident at the time of payment and all items of deduction directly allocated thereto shall be allocated to this state.

(2) All gains or losses from the sale of real property, tangible personal property, or intangible property shall be allocated as follows:

(a) Capital gains or losses from the sale or other transfer of real property are allocable to this state if the property is located physically in this state.

(b) Capital gains or losses from the sale or other transfer of tangible personal property are allocable to this state if, at the time of such sale or other transfer, the property had its physical location in this state.

(c) Capital gains or losses from the sale or other transfer of intangible personal property are allocable to this state if the taxpayer's domicile was in this state at the time of such sale or other transfer.

(3) All rents and royalties of real or tangible personal property shall be allocated to this state as follows:

(a) Rents and royalties derived from real property are allocable to this state if the property is physically located in this state.

(b) Rents and royalties derived from tangible personal property are allocable to this state to the extent that such property is utilized in this state.

The extent of utilization of tangible personal property in a state is determined by multiplying the rents or royalties derived from such property by a fraction, the numerator of which is the number of days of physical location of the property in this state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the nonresident, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payor obtained possession.

(4) All patent and copyright royalties shall be allocated to this state to the extent the patent or copyright was utilized by the payor in this state.

A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state, or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in this state if the taxpayer's domicile was in this state at the time such royalties were paid or accrued.

A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in this state if the taxpayer's domicile was in this state at the time such royalties were paid or accrued.

(5)(a) All lottery prize awards paid by the state lottery commission pursuant to Chapter 3770. of the Revised Code shall be allocated to this state.

(b) All earnings, profit, income, and gain from the sale, exchange, or other disposition of lottery prize awards paid or to be paid to any person by the state lottery commission pursuant to Chapter 3770. of the Revised Code shall be allocated to this state.

(c) All earnings, profit, income, and gain from the direct or indirect ownership of lottery prize awards paid or to be paid to any person by the state lottery commission pursuant to Chapter 3770. of the Revised Code shall be allocated to this state.

(d) All earnings, profit, income, and gain from the direct or indirect interest in any right in or to any lottery prize awards paid or to be paid to any person by the state lottery commission pursuant to Chapter 3770. of the Revised Code shall be allocated to this state.

(6) Any item of income or deduction which has been taken into account in the computation of adjusted gross income for the taxable year by a nonresident and which is not otherwise specifically allocated or apportioned pursuant to sections 5747.20 to 5747.23 of the Revised Code, including, without limitation, interest, dividends and distributions, items of income taken into account under the provisions of sections 401 to 425 of the Internal Revenue Code, and benefit payments received by a beneficiary of a supplemental unemployment trust which is referred to in section 501(c)(17) of the Internal Revenue Code, shall not be allocated to this state unless the taxpayer's domicile was in this state at the time such income was paid or accrued.

(7) All winnings from casino gaming ~~winnings paid by any person licensed by the Ohio casino control commission or sports gaming conducted in this state~~ shall be allocated to the state.

(C) If an individual is a resident for part of the taxable year and a nonresident for the remainder of the taxable year, all items of nonbusiness income or deduction shall be allocated under division (A) of this section for the part of the taxable year that the individual is a resident and under division (B) of this section for the part of the taxable year that the individual is a nonresident.

Sec. 5751.01. As used in this chapter:

(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.

(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:

(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this

section does not apply to a person that is a member of a consolidated elected taxpayer;

(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:

(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

(b) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;

(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.

As used in division (E)(2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 or 1706.01 of the Revised Code as applicable, is fifty per cent or more of the

combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (EE) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

(F) Except as otherwise provided in divisions (F)(2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;

(b) Amounts realized from the taxpayer's performance of services for another;

(c) Amounts realized from another's use or possession of the taxpayer's property or capital;

(d) Any combination of the foregoing amounts.

(2) "Gross receipts" excludes the following amounts:

(a) Interest income except interest on credit sales;

(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;

(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on

account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;

(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;

(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;

(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;

(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;

(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;

(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;

(n) Pension reversions;

(o) Contributions to capital;

(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;

(q) In the case of receipts from the sale of cigarettes, tobacco products, or vapor products by a wholesale dealer, retail dealer, distributor, manufacturer, vapor distributor, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes, tobacco products, or vapor products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;

(r) In the case of receipts from the sale, transfer, exchange, or other disposition of motor fuel as "motor fuel" is defined in section 5736.01 of the Revised Code, an amount equal to the value of the motor fuel, including federal and state motor fuel excise taxes and receipts from billing or invoicing the tax imposed under section 5736.02 of the Revised Code to another person;

(s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, or an alternate employer organization, as defined in section 4133.01 of the Revised Code, from a client employer, as defined in either of those sections as applicable, in excess of the administrative fee charged by the professional employer organization or the alternate employer organization to the client employer;

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts as determined under section 5751.40 of the Revised Code.

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;

(bb) Cash discounts allowed and taken;

(cc) Returns and allowances;

(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;

(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;

(ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(gg) Qualified uranium receipts as determined under section 5751.41 of the Revised Code.

(hh) In the case of amounts collected by a licensed casino operator from casino gaming, amounts in excess of the casino operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the director of agriculture to handle agricultural commodities in this state.

(jj) Qualifying integrated supply chain receipts as determined under section 5751.42 of the Revised Code.

(kk) In the case of a railroad company described in division (D)(9) of section 5727.01 of the Revised Code that purchases dyed diesel fuel directly from a supplier as defined by section 5736.01 of the Revised Code, an amount equal to the product of the number of gallons of dyed diesel fuel purchased directly from such a supplier multiplied by the average wholesale price for a gallon of diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator of which equals the rate of tax levied by section 5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code.

(ll) Receipts realized by an out-of-state disaster business from disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the business. Terms used in division (F)(2)(ll) of this section have the same meanings as in section 5703.94 of the Revised Code.

(mm) In the case of receipts from the sale or transfer of a mortgage-backed security or a mortgage loan by a mortgage lender holding a valid certificate of registration issued under Chapter 1322. of the Revised Code or by a person that is a member of the mortgage lender's consolidated elected taxpayer group, an amount equal to the principal balance of the mortgage loan.

(nn) In the case of amounts collected by a sports gaming proprietor from sports gaming, amounts in excess of the proprietor's sports gaming receipts. As used in this division, "sports gaming proprietor" has the same meaning as in section 3775.01 of the Revised Code and "sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(oo) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the

tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

- (1) Owns or uses a part or all of its capital in this state;
- (2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;
- (3) Has bright-line presence in this state;
- (4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and

(c) Any amount the person pays for services performed in this state on its behalf by another.

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.

(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.

(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.

(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:

(1) A person receiving a fee to sell financial instruments;

(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.

(Q) "Received" includes amounts accrued under the accrual method of accounting.

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.

Sec. 5753.01. As used in Chapter 5753. of the Revised Code and for no other purpose under Title LVII of the Revised Code:

(A) "Casino facility" has the same meaning as in section 3772.01 of

the Revised Code.

(B) "Casino gaming" has the same meaning as in section 3772.01 of the Revised Code.

(C) "Casino operator" has the same meaning as in section 3772.01 of the Revised Code.

(D) "Gross casino revenue" means the total amount of money exchanged for the purchase of chips, tokens, tickets, electronic cards, or similar objects by casino patrons, less winnings paid to wagerers. "Gross casino revenue" does not include ~~the either of the following~~:

(1) The issuance to casino patrons or wagering by casino patrons of any promotional gaming credit as defined in section 3772.01 of the Revised Code. When issuance of the promotional gaming credit requires money exchanged as a match from the patron, the excludible portion of the promotional gaming credit does not include the portion of the wager purchased by the patron.

(2) Sports gaming receipts.

(E) "Person" has the same meaning as in section 3772.01 of the Revised Code.

(F) "Slot machine" has the same meaning as in section 3772.01 of the Revised Code.

(G) "Sports gaming facility" and "sports gaming proprietor" have the same meanings as in section 3775.01 of the Revised Code.

(H) "Sports gaming receipts" means the total gross receipts received by a sports gaming proprietor from the operation of sports gaming in this state, less the total of the following:

(1) All cash and cash equivalents paid as winnings to sports gaming patrons;

(2) The dollar amount of all voided wagers.

(3)(i) On and after January 1, 2027, but before January 1, 2032, ten per cent of the promotional gaming credits wagered by patrons;

(ii) On and after January 1, 2032, twenty per cent of the promotional gaming credits wagered by patrons.

As used in division (H) of this section, "promotional gaming credit" has the same meaning as in section 3775.01 of the Revised Code. When issuance of a promotional gaming credit requires money exchanged as a match from the patron, the deductible portion of the promotional gaming credit does not include the portion of the wager purchased by the patron.

(I) "Table game" has the same meaning as in section 3772.01 of the Revised Code.

(H)-(J) "Taxpayer" means a casino operator subject to the tax levied under section 5753.02 of the Revised Code or a sports gaming proprietor subject to the tax levied under section 5753.021 of the Revised Code.

(K) "Tax period" means one twenty-four-hour period with regard to which a ~~casino operator taxpayer~~ is required to pay the tax levied by ~~this chapter~~ section 5753.02 or 5753.021 of the Revised Code.

Sec. 5753.021. For the purposes of funding the education needs of this state, funding interscholastic athletics and other extracurricular activities for youth, funding efforts to alleviate problem sports gaming, and defraying the costs of enforcing and administering the law governing sports gaming and the tax levied by this section, a tax is hereby levied on the sports gaming receipts of a sports gaming proprietor at the rate of ten per cent of the sports gaming receipts received by the proprietor from the operation of sports gaming in this state.

The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code.

Sec. 5753.03. (A) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied by section 5753.02 of the Revised Code, the following funds are created in the state treasury:

- (1) The casino tax revenue fund;
- (2) The gross casino revenue county fund;
- (3) The gross casino revenue county student fund;
- (4) The gross casino revenue host city fund;
- (5) The Ohio state racing commission fund;
- (6) The Ohio law enforcement training fund;
- (7) The problem casino gambling and addictions fund;
- (8) The casino control commission fund;
- (9) The casino tax administration fund;
- (10) The peace officer training academy fund;
- (11) The criminal justice services casino tax revenue fund.

(B) All moneys collected from the tax levied under ~~this chapter~~ section 5753.02 of the Revised Code shall be deposited into the casino tax revenue fund.

(C) From the casino tax revenue fund the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code and attributable to the tax levied under section 5753.02 of the Revised Code.

(D) After making any transfers required by division (C) of this section, but not later than the fifteenth day of the month following the end of each calendar quarter, the director of budget and management shall transfer amounts to each fund as follows:

(1) Fifty-one per cent to the gross casino revenue county fund to make payments as required by Section 6(C)(3)(a) of Article XV, Ohio Constitution;

(2) Thirty-four per cent to the gross casino revenue county student fund to make payments as required by Section 6(C)(3)(b) of Article XV, Ohio Constitution and as provided in section 5753.11 of the Revised Code;

(3) Five per cent to the gross casino revenue host city fund for the benefit of the cities in which casino facilities are located;

(4) Three per cent to the Ohio state racing commission fund to support the efforts and activities of the Ohio state racing commission to promote horse racing in this state at which the pari-mutuel system of wagering is conducted;

(5) Two per cent to the Ohio law enforcement training fund to support law enforcement functions in the state;

(6) Two per cent to the problem casino gambling and addictions fund to support efforts of the department of mental health and addiction services to alleviate problem gambling and substance abuse and related research in the state under section 5119.47 of the Revised Code;

(7) Three per cent to the casino control commission fund to support the operations of the Ohio casino control commission and to defray the cost of administering the tax levied under section 5753.02 of the Revised Code.

Payments under divisions (D)(1) and (3) of this section shall be made by the end of the month following the end of the quarterly period. The tax commissioner shall make the data available to the director of budget and management for this purpose.

Money in the Ohio state racing commission fund shall be distributed at the discretion of the Ohio state racing commission for the purpose stated in division (D)(4) of this section by the end of the month following the end of the quarterly period. The commission may retain up to five per cent of the amount transferred to the fund under division (D)(4) of this section for operating expenses necessary for the administration of the fund.

Payments from the gross casino revenue county student fund as required under section 5753.11 of the Revised Code shall be made by the last day of January and by the last day of August of each year, beginning in 2013. The tax commissioner shall make the data available to the director of budget and management for this purpose.

Of the money credited to the Ohio law enforcement training fund, the

director of budget and management shall distribute eighty-five per cent of the money to the police officer training academy fund for the purpose of supporting the law enforcement training efforts of the Ohio peace officer training academy and fifteen per cent of the money to the criminal justice services casino tax revenue fund for the purpose of supporting the law enforcement training efforts of the division of criminal justice services.

(E)(1) The tax commissioner shall serve as an agent of the counties of this state only for the purposes of this division and solely to make payments directly to municipal corporations and school districts, as applicable, on the counties' behalf.

(2) On or before the last day of the month following the end of each calendar quarter, the tax commissioner shall provide for payment from the funds referenced in divisions (D)(1) and (3) of this section to each county and municipal corporation as prescribed in those divisions.

(3) On or before the last day of January and the last day of August each year, the commissioner shall provide for payments from the fund referenced in division (D)(2) of this section to each school district as prescribed in that division.

(F) The director of budget and management shall transfer one per cent of the money credited to the casino control commission fund to the casino tax administration fund. The tax commissioner shall use the casino tax administration fund to defray the costs incurred in administering the tax levied by this chapter under section 5753.02 of the Revised Code.

(G) All investment earnings of the gross casino revenue county student fund shall be credited to the fund.

Sec. 5753.031. (A) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied by section 5753.021 of the Revised Code and from fines imposed under Chapter 3775. of the Revised Code, the following funds are created in the state treasury:

(1) The sports gaming revenue fund;

(2) The sports gaming tax administration fund, which the tax commissioner shall use to defray the costs incurred in administering the tax levied by section 5753.021 of the Revised Code;

(3) The sports gaming profits education fund. Fifty per cent of the funds in the sports gaming profits education fund shall be used to support interscholastic athletics and other extracurricular activities for students in grades kindergarten through twelve as determined in appropriations made by the general assembly. The other fifty per cent shall be used for the support of public and nonpublic education for students in grades kindergarten through twelve as determined in appropriations made by the general assembly.

(4) The problem sports gaming fund.

(B)(1) All of the following shall be deposited into the sports gaming revenue fund:

(a) All money collected from the tax levied under section 5753.021 of the Revised Code;

(b) The fees for an initial or renewed sports gaming proprietor license collected under division (D) of section 3775.04 of the Revised Code;

(c) The fees for an initial or renewed mobile management services provider license collected under division (B)(3) of section 3775.05 of the Revised Code;

(d) The fees for an initial or renewed management services provider license collected under division (B)(3) of section 3775.051 of the Revised Code;

(e) Unclaimed winnings collected under division (F) of section 3775.10 of the Revised Code;

(f) Any fines collected under Chapter 3775. of the Revised Code.

(2) All other fees collected under Chapter 3775. of the Revised Code shall be deposited into the casino control commission fund created under section 5753.03 of the Revised Code.

(C)(1) From the sports gaming revenue fund, the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code and attributable to the tax levied under section 5753.021 of the Revised Code.

(2) Not later than the fifteenth day of each month, the director of budget and management shall transfer from the sports gaming revenue fund to the sports gaming tax administration fund the amount necessary to reimburse the department of taxation's actual expenses incurred in administering the tax levied under section 5753.021 of the Revised Code.

(3) Of the amount in the sports gaming revenue fund remaining after making the transfers required by divisions (C)(1) and (2) of this section, the director of budget and management shall transfer, on or before the fifteenth day of the month following the end of each calendar quarter, amounts to each fund as follows:

(a) Ninety-eight per cent to the sports gaming profits education fund;

(b) Two per cent to the problem sports gaming fund.

(D) All interest generated by the funds created under this section shall be credited back to them.

Sec. 5753.04. (A) Daily each day banks are open for business, not later than noon, ~~a casino operator each taxpayer~~ shall file a return electronically with the tax commissioner. The return shall be in the form

required by the tax commissioner, and shall reflect the relevant tax period. The return shall include, but is not limited to, the amount of the ~~casino-operator's taxpayer's~~ gross casino revenue or sports gaming receipts for the tax period and the amount of tax due under section 5753.02 or 5753.021 of the Revised Code for the tax period. The ~~casino operator taxpayer~~ shall remit electronically with the return the tax due.

(B) If a sports gaming proprietor's sports gaming receipts for a tax period are less than zero because the winnings paid by the proprietor to wagerers exceeds the proprietor's total gross receipts from the operation of sports gaming for that tax period, the tax commissioner shall allow the proprietor to carry forward the deficit to subsequent tax periods until the proprietor's sports gaming receipts are greater than zero.

A deficit may not be carried back to a prior tax period and no payment previously made shall be refunded, except if the proprietor surrenders its sports gaming proprietor license and the proprietor's last return reported a deficit. In that case, the commissioner shall multiply the deficit by ten per cent and pay that amount to the proprietor in the manner prescribed by the commissioner.

(C) If the a casino operator or sports gaming proprietor ceases to be a taxpayer at any time, the ~~casino operator or proprietor~~ shall indicate the last date for which the ~~casino operator or proprietor~~ was liable for the tax. The return shall include a space for this purpose.

(D) Except as otherwise provided in division (A) of section 3775.13 of the Revised Code, the information in a return a sports gaming proprietor files with the tax commissioner under this section concerning sports gaming receipts is subject to disclosure as a public record under section 149.43 of the Revised Code.

Sec. 5753.05. (A)(1) A ~~casino operator taxpayer~~ who fails to file a return or to remit the tax due as required by section 5753.04 of the Revised Code shall pay a penalty not to exceed the greater of five hundred dollars or ten per cent of the tax due.

(2) If the tax commissioner finds additional tax to be due, the tax commissioner may impose an additional penalty of up to fifteen per cent of the additional tax found to be due. A delinquent payment of tax made as the result of a notice or an audit is subject to the additional penalty imposed by this division.

(3) If a ~~casino operator taxpayer~~ fails to file a return electronically or to remit the tax electronically, the tax commissioner may impose an additional penalty of fifty dollars or ten per cent of the tax due as shown on the return, whichever is greater.

(B) If the tax due under section 5753.02 or 5753.021 of the Revised

Code is not timely paid, the ~~casino operator taxpayer~~ shall pay interest at the rate per annum prescribed in section 5703.47 of the Revised Code beginning on the day the tax was due through the day the tax is paid or an assessment is issued, whichever occurs first.

(C) The tax commissioner shall collect any penalty or interest as if it were the tax levied by section 5753.02 ~~or 5753.021~~ of the Revised Code, as applicable. Penalties and interest shall be treated as if they were revenue arising from the applicable tax levied by section 5753.02 of the Revised Code.

(D) The tax commissioner may abate all or a portion of any penalty imposed under this section and may adopt rules governing abatements.

(E) If a casino operator or sports gaming proprietor fails to file a return or remit the tax due as required by section 5753.04 of the Revised Code within a period of one year after the due date for filing the return or remitting the tax, the Ohio casino control commission may suspend the ~~casino operator's~~ or proprietor's license.

Sec. 5753.06. (A) A ~~casino operator taxpayer~~ may apply to the tax commissioner for refund of the amount of taxes under section 5753.02 or 5753.021 of the Revised Code that were overpaid, paid illegally or erroneously, or paid on an illegal or erroneous assessment. The application shall be on a form prescribed by the tax commissioner. The ~~casino operator taxpayer~~ shall provide the amount of the requested refund along with the claimed reasons for, and documentation to support, the issuance of a refund. The ~~casino operator taxpayer~~ shall file the application with the tax commissioner within four years after the date the payment was made, unless the applicant has waived the time limitation under division (D) of section 5753.07 of the Revised Code. In the latter event, the four-year limitation is extended for the same period of time as the waiver.

(B) Upon the filing of a refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the tax commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund. If the amount is less than that claimed, the tax commissioner shall proceed under section 5703.70 of the Revised Code.

(C) Interest on a refund applied for under this section, computed at the rate provided for in section 5703.47 of the Revised Code, shall be allowed from the later of the date the tax was due or the date payment of the tax was made. Except as provided in section 5753.07 of the Revised Code, the tax commissioner may, with the consent of the ~~casino operator taxpayer~~, provide for crediting against the tax due for a tax period, the amount of any refund due the ~~casino operator taxpayer~~ for a preceding tax period.

(D) Refunds under this section are subject to offset under section

5753.061 of the Revised Code.

Sec. 5753.061. As used in this section, "debt to the state" means unpaid taxes that are due the state, unpaid workers' compensation premiums that are due, unpaid unemployment compensation contributions that are due, unpaid unemployment compensation payments in lieu of contributions that are due, unpaid fees payable to the state or to the clerk of courts under section 4505.06 of the Revised Code, incorrect medical assistance payments, or any unpaid charge, penalty, or interest arising from any of the foregoing. A debt to the state is not a "debt to the state" as used in this section unless the liability underlying the debt to the state has become incontestable because the time for appealing, reconsidering, reassessing, or otherwise questioning the liability has expired or the liability has been finally determined to be valid.

If a ~~casino operator taxpayer~~ who is entitled to a refund under section 5753.06 of the Revised Code owes a debt to the state, the amount refundable may be applied in satisfaction of the debt to the state. If the amount refundable is less than the amount of the debt to the state, the amount refundable may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount refundable remaining after satisfaction of the debt shall be refunded to the ~~casino operator taxpayer~~.

Sec. 5753.07. (A)(1) The tax commissioner may issue an assessment, based on any information in the tax commissioner's possession, against a ~~casino operator taxpayer~~ who fails to pay the tax levied under section 5753.02 or 5753.021 of the Revised Code or to file a return under section 5753.04 of the Revised Code. The tax commissioner shall give the ~~casino operator taxpayer~~ written notice of the assessment under section 5703.37 of the Revised Code. With the notice, the tax commissioner shall include instructions on how to petition for reassessment and on how to request a hearing with respect to the petition.

(2) Unless the ~~casino operator taxpayer~~, within sixty days after service of the notice of assessment, files with the tax commissioner, either personally or by certified mail, a written petition signed by the ~~casino operator taxpayer~~, or by the ~~casino operator's taxpayer's~~ authorized agent who has knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the ~~casino operator taxpayer~~ to the treasurer of state. The petition shall indicate the ~~casino operator's taxpayer's~~ objections to the assessment. Additional objections may be raised in writing if they are received by the tax commissioner before the date shown on the final determination.

(3) If a petition for reassessment has been properly filed, the tax commissioner shall proceed under section 5703.60 of the Revised Code.

(4) After an assessment becomes final, if any portion of the

assessment, including penalties and accrued interest, remains unpaid, the tax commissioner may file a certified copy of the entry making the assessment final in the office of the clerk of the court of common pleas of Franklin county or in the office of the clerk of the court of common pleas of the county in which the ~~casino operator taxpayer~~ resides, the ~~casino operator's taxpayer's~~ casino facility or sports gaming facility is located, or the ~~casino operator's taxpayer's~~ principal place of business in this state is located. Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the gross casino revenue tax and sports gaming receipts tax." The judgment has the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution apply to sales made under the judgment.

(5) If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issued the assessment until 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 levied under section 5753.02 or 5753.021 of the Revised Code, as applicable, and may be collected by the issuance of an assessment under this section.

(B) If the tax commissioner believes that collection of the tax levied under section 5753.02 or 5753.021 of the Revised Code 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 ~~casino operator who taxpayer~~ that is liable for the tax. Immediately upon the issuance of a jeopardy assessment, the tax commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (A)(4) of this section, and the clerk shall proceed as directed in that division. Notice of the jeopardy assessment shall be served on the ~~casino operator taxpayer~~ or the ~~casino operator's taxpayer's~~ authorized agent under section 5703.37 of the Revised Code within five days after the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the ~~casino operator taxpayer~~ assessed files a petition for reassessment under division (A)(2) of this section and provides security in a form satisfactory to the tax commissioner that is in an amount sufficient to satisfy the unpaid balance of the assessment. If a petition for reassessment

has been filed, and if satisfactory security has been provided, the tax commissioner shall proceed under division (A)(3) of this section. Full or partial payment of the assessment does not prejudice the tax commissioner's consideration of the petition for reassessment.

(C) The tax commissioner shall immediately forward to the treasurer of state all amounts the tax commissioner receives under this section, and the amounts forwarded shall be treated as if they were revenue arising from the tax levied under section 5753.02 or 5753.021 of the Revised Code, as applicable.

(D) Except as otherwise provided in this division, no assessment shall be issued against a ~~easino operator taxpayer~~ for the tax levied under section 5753.02 or 5753.021 of the Revised Code more than four years after the due date for filing the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. This division does not bar an assessment against a ~~easino operator taxpayer~~ who fails to file a return as required by section 5753.04 of the Revised Code or who files a fraudulent return, or when the ~~easino operator taxpayer~~ and the tax commissioner waive in writing the time limitation.

(E) If the tax commissioner possesses information that indicates that the amount of tax a ~~easino operator taxpayer~~ is liable to pay under section 5753.02 or 5753.021 of the Revised Code exceeds the amount the ~~easino operator taxpayer~~ paid, the tax commissioner may audit a sample of the ~~easino operator's taxpayer's~~ gross casino revenue or sports gaming receipts, as applicable, over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the ~~easino operator taxpayer~~ in selecting a representative sample. The tax commissioner may apply a sampling method only if the tax commissioner has prescribed the method by rule.

(F) If the whereabouts of a ~~easino operator taxpayer~~ who is liable for the tax levied under section 5753.02 or 5753.021 of the Revised Code are unknown to the tax commissioner, the tax commissioner shall proceed under section 5703.37 of the Revised Code.

(G) ~~If a easino operator fails to pay the tax levied under section 5753.02 of the Revised Code within a period of one year after the due date for remitting the tax, the Ohio casino control commission may suspend the easino operator's license.~~

Sec. 5753.08. If a ~~easino operator taxpayer~~ who is liable for the tax levied under section 5753.02 or 5753.021 of the Revised Code sells ~~the a~~ casino facility or sports gaming facility, disposes of ~~the a~~ casino facility or sports gaming facility in any manner other than in the regular course of business, or quits the casino gaming or sports gaming business, any tax owed

by that person becomes immediately due and payable, and the person shall pay the tax due, including any applicable penalties and interest. The person's successor shall withhold a sufficient amount of the purchase money to cover the amounts due and unpaid until the predecessor produces a receipt from the tax commissioner showing that the amounts due have been paid or a certificate indicating that no taxes are due. If the successor fails to withhold purchase money, the successor is personally liable, up to the purchase money amount, for amounts that were unpaid during the operation of the business by the predecessor.

Sec. 5753.10. The tax commissioner may prescribe requirements for the keeping of records and pertinent documents, for the filing of copies of federal income tax returns and determinations, and for computations reconciling federal income tax returns with the return required by section 5753.04 of the Revised Code. The tax commissioner may require a ~~casino operator taxpayer~~, by rule or by notice served on the ~~casino operator taxpayer~~, to keep records and other documents that the tax commissioner considers necessary to show the extent to which the ~~casino operator taxpayer~~ is subject to this chapter. The records and other documents shall be open to inspection by the tax commissioner during business hours, and shall be preserved for a period of four years unless the tax commissioner, in writing, consents to their destruction within that period, or by order served on the ~~casino operator taxpayer~~ requires that they be kept longer. If the records are normally kept electronically by the ~~casino operator taxpayer~~, the ~~casino operator taxpayer~~ shall provide the records to the tax commissioner electronically at the tax commissioner's request.

Any information required by the tax commissioner under this section is confidential under section 5703.21 of the Revised Code."

After line 223, insert:

"Sec. 3376.01. As used in this chapter:

(A) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) "Private college" has the same meaning as in section 3365.01 of the Revised Code.

Sec. 3376.02. No state institution of higher education or private college shall uphold any rule, requirement, standard, or other limitation that prevents a student of that institution or college from fully participating in intercollegiate athletics because the student earns compensation as a result of the use of the student's name, image, or likeness. Earning compensation from the use of a student's name, image, or likeness shall not affect the student's scholarship eligibility or renewal.

Sec. 3376.03. An athletic association, conference, or other group or

organization with authority over intercollegiate athletics, including the national collegiate athletic association or its successor organization, shall not do either of the following:

(A) Prevent a student of a state institution of higher education or private college from fully participating in intercollegiate athletics because the student earns compensation as a result of the use of the student's name, image, or likeness;

(B) Prevent a state institution of higher education or private college from fully participating in intercollegiate athletics because a student of that institution or college participating in intercollegiate athletics does either of the following:

(1) Uses the student's name, image, or likeness;

(2) Obtains professional representation in relation to contracts or legal matters regarding opportunities to earn compensation for use of the student's name, image, or likeness.

Sec. 3376.04. No state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics shall do any of the following:

(A) Provide a prospective student who intends to participate in intercollegiate athletics with compensation in relation to the prospective student's name, image, or likeness;

(B) Prevent a student who resides in this state and participates in intercollegiate athletics from obtaining professional representation in relation to contracts or legal matters regarding opportunities to be compensated for use of the student's name, image, or likeness;

(C) Interfere with or prevent a student from fully participating in intercollegiate athletics because the student obtains professional representation in relation to contracts or legal matters regarding opportunities to earn compensation for use of the student's name, image, or likeness.

Sec. 3376.05. A scholarship from a state institution of higher education or private college at which a student is enrolled is not compensation for use of the student's name, image, or likeness for purposes of this chapter. No state institution of higher education or private college shall revoke or reduce a scholarship as a result of a student earning compensation for use of the student's name, image, or likeness if the student earns that compensation in accordance with this chapter.

Sec. 3376.06. (A) As used in this section:

(1) "Official team activities" means all games, practices, exhibitions, scrimmages, team appearances, team photograph sessions, sports camps sponsored by the institution or college, and other team-organized activities, regardless of whether the activity takes place on or off campus, including

individual photograph sessions and news media interviews.

(2) "Student" means an individual enrolled at a state institution of higher education or private college who participates in intercollegiate athletics.

(B) A state institution of higher education's or private college's contract with a student shall not prevent the student from using the student's name, image, or likeness for a commercial purpose when the student is not engaged in official team activities.

(C) A student shall not enter into a contract providing compensation to the student for use of the student's name, image, or likeness that requires the student to display a sponsor's product, or otherwise advertise for a sponsor, during official team activities or any other time if that requirement is in conflict with a provision of a contract to which a state institution of higher education or private college is a party.

(D)(1) A student who intends to enter into a verbal or written contract providing compensation to the student for use of the student's name, image, or likeness shall disclose the proposed contract to an official of the state institution of higher education or private college for review by the institution or college. The institution or college shall designate an official to whom the student is to disclose the proposed contract.

(2) If a state institution of higher education or private college identifies a conflict between the proposed verbal or written contract described in division (D)(1) of this section and any existing provisions of a contract to which the institution or college is a party, the institution or college shall communicate to the student the relevant contract provision that is in conflict. The student shall not enter into the proposed contract, but the student may negotiate a revision to the proposed contract to avoid the conflict. The revised proposed contract is subject to review by the institution or college to ensure compliance with this chapter.

(E) A state institution of higher education or private college may establish reasonable policies or standards to address a student's failure to provide the disclosure required under division (D)(1) of this section or any other failure to comply with the requirements of this chapter.

Sec. 3376.07. A state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics may prohibit a student who participates in intercollegiate athletics from entering into a contract providing compensation to the student for use of the student's name, image, or likeness if under the contract the student's name, image, or likeness is associated with any of the following:

(A) Any company that manufactures, markets, or sells, or brand that

is associated with, a controlled substance, marihuana product, medical marijuana product, alcoholic product, tobacco product, electronic smoking device, vapor product, or product or device that consists of or contains nicotine that can be ingested into the body;

(B) Any medical marijuana cultivator, processor, laboratory, or retail dispensary licensed under Chapter 3796. of the Revised Code or under the laws of another state;

(C) Any business engaged in the sale, rental, or exhibition for any form of consideration of adult entertainment that is characterized by an emphasis on the exposure or display of sexual activity;

(D) Any casino or entity that sponsors or promotes gambling activities;

(E) Any other category of companies, brands, or types of contracts that are similar to those described in divisions (A) to (D) of this section that the institution or college communicates to the student before the student enrolls at the institution or college.

Sec. 3376.08. Nothing in this chapter does any of the following:

(A) Requires a state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics to identify, create, facilitate, negotiate, or otherwise enable opportunities for a student to earn compensation for use of the student's name, image, or likeness;

(B) Establishes or grants to a student any right to use the name, trademarks, services marks, logos, symbols, or any other intellectual property, regardless of whether the intellectual property is registered with the appropriate authority, that belong to a state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics, to further the student's opportunities to earn compensation for use of the student's name, image, or likeness;

(C) Limits the rights of a state institution of higher education or private college to establish and enforce any of the following:

(1) Academic standards, requirements, regulations, or obligations for its students;

(2) Team rules of conduct or other rules of conduct;

(3) Standards or policies regarding the governance or operation of or participation in intercollegiate varsity athletics;

(4) Disciplinary rules and standards generally applicable to all students of the institution or college."

In line 224, after "sections" insert "109.32, 109.572,"; after "317.24"

insert ", 317.241, 718.031, 718.08, 2915.01, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.093, 2915.095, 2915.10, 2915.101, 2915.12, 2915.13, 3123.89, 3123.90, 3770.071, 3770.073, 3772.01, 3772.02, 3772.03, 3772.062, 3772.07, 5703.21, 5747.02, 5747.062, 5747.063, 5747.08, 5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 5753.05, 5753.06, 5753.061, 5753.07, 5753.08,"; delete "317.241" and insert "5753.10"

After line 225, insert:

"Section 3. (A) The Ohio Casino Control Commission shall begin to accept applications for sports gaming proprietor licenses under Chapter 3775. of the Revised Code, as enacted by this act, on January 1, 2022, and shall begin to issue those licenses on April 1, 2022.

(B) The Attorney General shall begin to accept applications for licenses to conduct electronic instant bingo under Chapter 2915. of the Revised Code, as amended by this act, on January 1, 2022, and shall begin to issue those licenses on April 1, 2022.

Section 4. (A) Notwithstanding division (F) of section 121.95 of the Revised Code, during the first year after the effective date of this section, both of the following apply:

(1) The Ohio Casino Control Commission may adopt new regulatory restrictions pursuant to Chapter 3775. of the Revised Code, as enacted by this act, without simultaneously removing two or more other existing regulatory restrictions.

(2) The State Lottery Commission may adopt new regulatory restrictions pursuant to section 3775.13 of the Revised Code, as enacted by this act, without simultaneously removing two or more other existing regulatory restrictions.

(B) As soon as practicable after the date that is one year after the effective date of this section, the Ohio Casino Control Commission and the State Lottery Commission shall update their base inventories of regulatory restrictions created under section 121.95 of the Revised Code to include each new regulatory restriction described in division (A)(1) or (2) of this section, as applicable.

Section 5. (A) There is the Select Committee on iLottery, which shall study the potential effect of online lottery ticket sales on retail lottery ticket sales in this state.

(B) The Select Committee shall consist of the following nine members:

(1) Two members of the Senate appointed by the President of the Senate;

(2) One member of the Senate appointed by the Senate Minority

Leader;

(3) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;

(4) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives;

(5) One member of the public appointed by the President of the Senate;

(6) One member of the public appointed by the Speaker of the House of Representatives;

(7) One member of the public appointed by the Governor.

(C) The Select Committee shall elect a chairperson from among its members. Vacancies on the Select Committee shall be filled in the manner provided for original appointments. Members of the Select Committee shall serve without compensation.

(D) Not later than January 1, 2022, the Select Committee shall submit a report of its findings to the General Assembly. After it submits the report, the Select Committee shall cease to exist.

Section 6. (A) There is the Select Committee on Sports Gaming and Problem Gambling, which shall study all of the following:

(1) Whether a portion of the money in the Sports Gaming Revenue Fund created under section 5753.031 of the Revised Code, as enacted by this act, should be allocated to make grants to youth sports programs;

(2) Whether an appropriate amount of the money in the Sports Gaming Revenue Fund is allocated to the Problem Sports Gaming Fund created under that section;

(3) Whether sports gaming proprietors and the State Lottery Commission should be required to develop and implement compulsive and problem gambling plans with respect to sports gaming, similar to the plans casino operators develop and implement under division (A)(6) of section 3772.18 of the Revised Code;

(4) Whether the Attorney General should be required to develop and implement a compulsive and problem gambling program for type II and type III bingo license holders under Chapter 2915. of the Revised Code, as amended by this act, to train and assist license holders in preventing, and educating participants about, problem gambling.

(B) The Select Committee shall consist of the following nine members:

(1) Two members of the Senate appointed by the President of the Senate;

(2) One member of the Senate appointed by the Senate Minority Leader;

(3) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;

(4) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives;

(5) One member of the public appointed by the President of the Senate;

(6) One member of the public appointed by the Speaker of the House of Representatives;

(7) One member of the public appointed by the Governor.

(C) The Select Committee shall elect a chairperson from among its members. Vacancies on the Select Committee shall be filled in the manner provided for original appointments. Members of the Select Committee shall serve without compensation.

(D) Not later than January 1, 2022, the Select Committee shall submit a report of its findings to the General Assembly. After it submits the report, the Select Committee shall cease to exist.

Section 7. (A) As used in this section, "esports event" means an organized video game competition that is regulated by a sports governing body and that is held between professional players who play individually or as teams.

(B) It is the intent of the General Assembly to introduce comprehensive legislation governing wagering on esports events under Chapter 3775. of the Revised Code, as enacted by this act.

Section 8. Sections 109.572, 2915.081, 2915.082, 3770.073, 3772.01, and 3772.07 of the Revised Code as presented in this act take effect on the later of October 9, 2021, or the effective date of this section. (October 9, 2021, is the effective date of earlier amendments to those sections by H.B. 263 of the 133rd General Assembly.)

Section 9. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 109.572 of the Revised Code as amended by both H.B. 263 and S.B. 260 of the 133rd General Assembly.

Section 3772.03 of the Revised Code as amended by both H.B. 49 and H.B. 132 of the 132nd General Assembly.

Section 5751.01 of the Revised Code as amended by H.B. 150, H.B. 197, S.B. 201, and S.B. 276, all of the 133rd General Assembly."

Attest:

Vincent L. Keeran,
Clerk.

Representative Ginter moved that the Senate amendments to **Am. H. B. No. 29**-Representatives Wiggam, Miller, A., et. al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. H. B. No. 29**-Representatives Wiggam, Miller, A., et. al., were taken up for consideration.

Am. H. B. No. 29 - Representatives Wiggam, Miller, A.

Cosponsors: Representatives Lipps, Seitz, Lampton, Ghanbari, Young, T., Weinstein, Crawley, Fowler Arthur, Gross, Sheehy, Abrams, Bird, Boyd, Brown, Carruthers, Crossman, Galonski, Householder, Lanese, Leland, Lepore-Hagan, Lightbody, Liston, Miller, J., O'Brien, Patton, Plummer, Ray, Robinson, Russo, Smith, K., Smith, M., Sobecki, Troy, Speaker Cupp
Senators Johnson, Fedor, Antani, Antonio, Blessing, Brenner, Cirino, Craig, Gavarone, Hackett, Hoagland, Huffman, S., Lang, Manning, McColley, Reineke, Romanchuk, Rulli, Schuring, Sykes, Thomas, Williams, Wilson, Yuko.

To amend sections 109.32, 109.572, 317.24, 317.241, 718.031, 718.08, 2915.01, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.093, 2915.095, 2915.10, 2915.101, 2915.12, 2915.13, 3123.89, 3123.90, 3770.071, 3770.073, 3772.01, 3772.02, 3772.03, 3772.062, 3772.07, 5703.21, 5747.02, 5747.062, 5747.063, 5747.08, 5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 5753.05, 5753.06, 5753.061, 5753.07, 5753.08, and 5753.10 and to enact sections 2915.14, 2915.15, 3376.01, 3376.02, 3376.03, 3376.04, 3376.05, 3376.06, 3376.07, 3376.08, 3772.37, 3775.01, 3775.02, 3775.03, 3775.04, 3775.041, 3775.05, 3775.051, 3775.06, 3775.07, 3775.08, 3775.09, 3775.10, 3775.101, 3775.11, 3775.12, 3775.13, 3775.14, 3775.15, 3775.16, 3775.17, 3775.99, 5753.021, and 5753.031 of the Revised Code to allow a person who was discharged from the United States Public Health Service or the National Oceanic and Atmospheric Administration to obtain an Ohio veterans identification card, to allow intercollegiate athletes to earn compensation from their name, image, or likeness, to legalize and regulate sports gaming in this state, to levy a tax on businesses that provide sports gaming, and to make other changes to the Gambling Law.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted – yeas 0, nays 97, as follows:

Those who voted in the negative were: Representatives

Abrams	Baldrige	Bird	Blackshear
Boggs	Boyd	Brent	Brinkman
Brown	Callender	Carfagna	Carruthers
Click	Crawley	Creech	Cross
Crossman	Cutrona	Dean	Denson
Edwards	Ferguson	Fowler Arthur	Fraizer
Galonski	Ghanbari	Ginter	Grendell
Gross	Hall	Hicks-Hudson	Hillyer
Holmes	Hoops	Howse	Ingram
Jarrells	John	Johnson	Jones
Jordan	Kelly	Kick	Koehler
Lampton	Lanese	LaRe	Leland
Lepore-Hagan	Lightbody	Lipps	Liston
Loychik	Manchester	Manning	McClain
Merrin	Miller, A.	Miller, J.	Miller, K.
Miranda	O'Brien	Oelslager	Patton
Pavliga	Plummer	Powell	Ray
Richardson	Riedel	Robinson	Roemer
Russo	Schmidt	Seitz	Sheehy
Skindell	Smith, K.	Smith, M.	Sobecki
Stein	Stephens	Stewart	Stoltzfus
Swearingen	Sweeney	Sykes	Troy
Upchurch	Weinstein	West	White
Wiggam	Wilkin	Young, B.	Young, T.
			Cupp-97

The Senate amendments were not concurred in.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Am. Sub. H. B. No. 132 - Representatives Hillyer, Jones
Cosponsors: Representatives Kick, Young, T., Cross, Seitz, Miller, J., Cutrona, Abrams, Bird, Carruthers, Ginter, Gross, Householder, John, Johnson, Plummer, Stein, Stephens, Stewart, Wiggam Senators Blessing, Cirino, Hackett, Hoagland, Lang, Thomas, Wilson, Yuko

To amend sections 5322.01, 5322.02, and 5322.03 of the Revised Code to amend the law regarding self-service storage facilities.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

In line 52, after "address" insert "or electronic mail address"

In line 53, after "address" insert "or electronic mail address"

In line 56, after "address" insert "or electronic mail address"

In line 111, after "mail," insert "sent by electronic mail,"

In line 115, after "by" insert "electronic mail, then the notice shall also be sent via either"

In line 116, delete ", then the notice shall also be sent via electronic mail"

In line 117, delete "electronic mail"

Attest:

Vincent L. Keeran,
Clerk.

Representative Ginter moved that the Senate amendments to **Am. Sub. H. B. No. 132**-Representatives Hillyer, Jones, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. Sub. H. B. No. 132**-Representatives Hillyer, Jones, et. al., were taken up for consideration.

Am. Sub. H. B. No. 132 - Representatives Hillyer, Jones.

Cosponsors: Representatives Kick, Young, T., Cross, Seitz, Miller, J., Cutrona, Abrams, Bird, Carruthers, Ginter, Gross, Householder, John, Johnson, Plummer, Stein, Stephens, Stewart, Wiggam Senators Blessing, Cirino, Hackett, Hoagland, Lang, Thomas, Wilson, Yuko.

To amend sections 5322.01, 5322.02, and 5322.03 of the Revised Code to amend the law regarding self-service storage facilities.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted – yeas 1, nays 95, as follows:

Representative Howse voted in the affirmative-1.

Those who voted in the negative were: Representative

Abrams	Baldridge	Bird	Blackshear
Boggs	Boyd	Brent	Brinkman
Brown	Callender	Carfagna	Carruthers
Click	Crawley	Creech	Cross
Crossman	Cutrona	Dean	Denson
Edwards	Ferguson	Fowler Arthur	Fraizer
Galonski	Ghanbari	Ginter	Grendell
Gross	Hall	Hicks-Hudson	Hillyer
Holmes	Hoops	Ingram	Jarrells
John	Johnson	Jones	Jordan
Kelly	Kick	Koehler	Lampton
Lanese	LaRe	Leland	Lepore-Hagan
Lightbody	Lipps	Liston	Loychik
Manchester	Manning	McClain	Merrin
Miller, A.	Miller, J.	Miller, K.	Miranda
O'Brien	Oelslager	Patton	Pavliga
Plummer	Powell	Ray	Richardson
Riedel	Robinson	Roemer	Russo

Schmidt	Sheehy	Skindell	Smith, K.
Smith, M.	Sobecki	Stein	Stephens
Stewart	Stoltzfus	Swearingen	Sweeney
Sykes	Troy	Upchurch	Weinstein
West	White	Wiggam	Wilkin
Young, B.	Young, T.		Cupp-95

The Senate amendments were not concurred in.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Am. H. B. No. 244 - Representatives White, Lampton

Cosponsors: Representatives Abrams, Bird, Blackshear, Click, Fraizer, Ghanbari, Gross, Hall, Holmes, John, Koehler, Lanese, Loychik, Manchester, Plummer, Richardson, Russo, Stewart, Swearingen, Wiggam, Young, T., Manning, Robinson, Fowler Arthur, Ingram, Jones, Lightbody, Miller, J., Sobecki, Baldridge, Boggs, Brown, Carfagna, Carruthers, Crawley, Cross, Cutrona, Edwards, Galonski, Ginter, Grendell, Hillyer, Hoops, Householder, Jarrells, Johnson, Kelly, Kick, LaRe, Leland, Lepore-Hagan, Liston, McClain, Miranda, O'Brien, Patton, Pavliga, Ray, Riedel, Schmidt, Sheehy, Skindell, Smith, K., Smith, M., Stein, Stephens, Upchurch, Weinstein, West, Young, B., Zeltwanger, Speaker Cupp Senators Brenner, Cirino, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Lang, McColley, O'Brien, Reineke, Roegner, Romanchuk, Schaffer

To amend section 3701.13 and to enact sections 3301.601, 3301.65, and 3792.04 of the Revised Code regarding technology-based educational opportunities for, and the enrollment of, military children; regarding public schools, state institutions of higher education, and prohibitions on mandatory vaccinations and discrimination; and regarding the authority of the Ohio Department of Health over matters of quarantine and isolation.

With the following additional amendments, in which the concurrence of the House is requested.

In line 1 of the title, after "To" insert "amend section 3701.13 and to"

In line 1 of the title, delete "and" and insert ","; after "3301.65" insert ", and 3792.04"

In line 4 of the title, after "children" insert "and public schools, state institutions of higher education, and prohibitions on mandatory vaccinations and discrimination"

In line 4 of the title, after "children" insert ", and regarding the

authority of the Ohio Department of Health over matters of quarantine and isolation"

In line 5, after "That" insert "section 3701.13 be amended and"

In line 5, delete "and" and insert ","; after "3301.65" insert ", and 3792.04"

After line 41, insert:

"Sec. 3701.13. (A) As used in this section:

(1) "Isolation" means the separation of one or more individuals who have been medically diagnosed with a communicable or contagious disease from other individuals who have not been medically diagnosed with the disease.

(2) "Quarantine" means the separation or restriction of movement of one or more individuals who have come into direct contact with someone who has been medically diagnosed with a communicable or contagious disease.

(B)(1) The department of health shall have supervision of all matters relating to the preservation of the life and health of the people and have authority in matters of quarantine and isolation, which it may declare and enforce, when neither exists, and modify, relax, or abolish, when either has been established.

(2) Under the authority described in division (B)(1) of this section, the department may require an individual traveling to this state from another country for which the centers for disease control and prevention has issued the highest level of travel health notice due to an outbreak of communicable or contagious disease in that country, and the notice is in effect at the time of arrival in this state from that country, to quarantine or isolate for a period of up to forty-eight hours from arrival, regardless of whether the individual has been medically diagnosed with or come into direct contact with an individual who has been medically diagnosed with that disease.

If the department requires an individual to quarantine or isolate under division (B)(2) of this section, the department shall provide the individual with transportation, lodging, food, and any necessary medical examination, testing, or treatment related to the communicable or contagious disease during that period.

(3) The authority of the department of health under this section is superior to the authority of 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.

~~(2)-(4)~~ The department may approve methods of immunization against the diseases specified in section 3313.671 of the Revised Code for the purpose of carrying out the provisions of that section and take such actions as

are necessary to encourage vaccination against those diseases.

(C) Subject to section 101.36 of the Revised Code, the department may make special or standing orders or rules for preventing the spread of contagious or infectious diseases.

(D) In addition to the authority granted by division ~~(C)(1)(C)~~ of this section, the department may make special or standing orders or rules for any of the following purposes:

(1) To prevent the use of fluoroscopes for nonmedical purposes that emit doses of radiation likely to be harmful to any person;

(2) To govern the receipt and conveyance of remains of deceased persons;

(3) To address such other sanitary matters as are best controlled by a general rule.

(E) Whenever possible, the department shall work in cooperation with the health commissioner of a general or city health district.

In any of the following circumstances, the department may make and enforce orders in local matters or reassign substantive authority for mandatory programs from a general or city health district to another general or city health district: when an emergency exists, when the board of health of a general or city health district has neglected or refused to act with sufficient promptness or efficiency, or when such board has not been established as provided by sections 3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 of the Revised Code. In such cases, the necessary expense incurred shall be paid by the general health district or city for which the services are rendered.

The department of health may require general or city health districts to enter into agreements for shared services under section 9.482 of the Revised Code. The department shall prepare and offer to boards of health a model contract and memorandum of understanding that are easily adaptable for use by boards of health when entering into shared services agreements. The department also may offer financial and other technical assistance to boards of health to encourage the sharing of services.

As a condition precedent to receiving funding from the department of health, the director of health may require general or city health districts to apply for accreditation by July 1, 2018, and be accredited by July 1, 2020, by an accreditation body approved by the director. The director of health, by July 1, 2016, shall conduct an evaluation of general and city health district preparation for accreditation, including an evaluation of each district's reported public health quality indicators as provided for in section 3701.98 of the Revised Code.

(F) The department may make evaluative studies of the nutritional

status of Ohio residents, and of the food and nutrition-related programs operating within the state. Every agency of the state, at the request of the department, shall provide information and otherwise assist in the execution of such studies.

Section 2. That existing section 3701.13 of the Revised Code is hereby repealed."

After line 41, insert:

"Sec. 3792.04. (A) As used in this section:

(1) "Public school" means any of the following: a city, local, exempted village, or joint vocational school district; community school established under Chapter 3314. of the Revised Code; STEM school established under Chapter 3326. of the Revised Code; or college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) Notwithstanding any conflicting provision of the Revised Code, a public school or state institution of higher education shall not do either of the following:

(1) Require an individual to receive a vaccine for which the United States food and drug administration has not granted full approval;

(2) Discriminate against an individual who has not received a vaccine described in division (B)(1) of this section, including by requiring the individual to engage in or refrain from engaging in activities or precautions that differ from the activities or precautions of an individual who has received such a vaccine.

(C) This section does not apply to a hospital or other health care facility that is owned or operated by, or affiliated with, a state institution of higher education."

Attest:

Vincent L. Keeran,
Clerk.

Representative Ginter moved that the Senate amendments to **Am. H. B. No. 244**-Representatives White, Lampton, et. al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. H. B. No. 244**-Representatives White, Lampton, et al., were taken up for consideration.

Am. H. B. No. 244 - Representatives White, Lampton.

Cosponsors: Representatives Abrams, Bird, Blackshear, Click, Fraizer,

Ghanbari, Gross, Hall, Holmes, John, Koehler, Lanese, Loychik, Manchester, Plummer, Richardson, Russo, Stewart, Swearingen, Wiggam, Young, T., Manning, Robinson, Fowler Arthur, Ingram, Jones, Lightbody, Miller, J., Sobecki, Baldrige, Boggs, Brown, Carfagna, Carruthers, Crawley, Cross, Cutrona, Edwards, Galonski, Ginter, Grendell, Hillyer, Hoops, Householder, Jarrells, Johnson, Kelly, Kick, LaRe, Leland, Lepore-Hagan, Liston, McClain, Miranda, O'Brien, Patton, Pavliga, Ray, Riedel, Schmidt, Sheehy, Skindell, Smith, K., Smith, M., Stein, Stephens, Upchurch, Weinstein, West, Young, B., Zeltwanger, Speaker Cupp Senators Brenner, Cirino, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Lang, McColley, O'Brien, Reineke, Roegner, Romanchuk, Schaffer.

To amend section 3701.13 and to enact sections 3301.601, 3301.65, and 3792.04 of the Revised Code regarding technology-based educational opportunities for, and the enrollment of, military children; regarding public schools, state institutions of higher education, and prohibitions on mandatory vaccinations and discrimination; and regarding the authority of the Ohio Department of Health over matters of quarantine and isolation.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted – yeas 62, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Baldrige	Bird	Brinkman
Callender	Carfagna	Carruthers	Click
Creech	Cross	Cutrona	Dean
Edwards	Ferguson	Fowler Arthur	Fraizer
Ghanbari	Ginter	Grendell	Gross
Hall	Hillyer	Holmes	Hoops
John	Johnson	Jones	Jordan
Kick	Koehler	Lampton	Lanese
LaRe	Lipps	Loychik	Manchester
Manning	McClain	Merrin	Miller, K.
Oelslager	Patton	Pavliga	Plummer
Powell	Ray	Richardson	Riedel
Roemer	Schmidt	Seitz	Stein
Stephens	Stewart	Stoltzfus	Swearingen
White	Wiggam	Wilkin	Young, B.
Young, T.			Cupp-62

Those who voted in the negative were: Representatives

Blackshear	Boggs	Boyd	Brent
Brown	Crawley	Crossman	Denson
Galonski	Hicks-Hudson	Howse	Ingram
Jarrells	Kelly	Leland	Lepore-Hagan
Lightbody	Liston	Miller, A.	Miller, J.
Miranda	O'Brien	Robinson	Russo
Sheehy	Skindell	Smith, K.	Smith, M.
Sobecki	Sweeney	Sykes	Troy
Weinstein			West-34

The Senate amendments were concurred in.

Representative White moved to amend the title as follows:

Remove the names: "Representatives Sheehy, Lightbody, Robinson, Skindell, Galonski, Blackshear, Miranda, Smith, K., Miller, J., Kelly, Leland, Lepore-Hagan, Upchurch, Liston, O'Brien, West, Smith, M., Boggs, Brown, Russo, Crawley, Ingram"

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to:

Am. Sub. S. B. No. 126 - Senators Kunze, Gavarone – et al.

Attest:

Vincent L. Keeran,
Clerk.

On motion of Representative Ginter, the House recessed.

The House met pursuant to recess.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on June 28, 2021, signed the following:

Am. H. B. No. 5-Representative Manning - et al.

H. B. No. 9-Representative Koehler - et al.

Am. Sub. H. B. No. 75-Representative Oelslager - et al.

Sub. H. B. No. 82-Representatives Cross, Jones - et al.

H. B. No. 137-Representatives Upchurch, Blackshear - et al.

Am. Sub. H. B. No. 168-Representatives Fraizer, Loychik - et al.

H. B. No. 191-Representative Cutrona - et al.

Sub. H. B. No. 252-Representatives White, Plummer - et al.

Sub. S. B. No. 3-Senator Roegner - et al.

Sub. S. B. No. 6-Senators Roegner, Huffman, S. - et al.

S. B. No. 40-Senator Schaffer - et al.

Sub. S. B. No. 49-Senators Hottinger, Sykes - et al.

Sub. S. B. No. 113-Senators Rulli, Johnson - et al.

H. C. R. No. 5-Representative Hall - et al.

Am. H. B. No. 106-Representative Cross - et al.

Sub. H. B. No. 201-Representative Stephens - et al.

H. B. No. 222-Representatives Wilkin, Upchurch - et al.

S. B. No. 80-Senators Gavarone, Cirino - et al.

CLERK'S NOTATION

This is to acknowledge receipt of the report of the committee of conference on **Am. Sub. H.B. No. 110**-Representative Oelslager, et al., on June 28, 2021.

On motion of Representative Merrin, the House adjourned until Thursday, July 1, 2021 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,
Clerk.